By Mr. MOTT: Petition of Rochester (N. Y.) Chamber of Commerce, favoring the passage of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Political Refugees' League of New York City, protesting against the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of Morrisville Grange, No. 1149, Morrisville, N. Y., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Petition of Independent Order B'rith Abraham, Providence, R. I., and United States Grand Lodge Order B'rith Abraham, Providence, R. I., both opposing the passage of the Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of Central Federated Union, New York, N. Y., favoring passage of the Hughes eight-hour bill (H. R. 9061); to the Committee on Labor.

Also, petition of Allied Committees Political Refugees' League of America, in opposition to the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of South Side Board of Trade, New York, favoring suspension of tariff on potatoes; to the Committee on Ways and Means.

Also, petition of Citizens' Association of Ray Ridge and Fort Hamilton, relative to improvement of the Harlem River; to the Committee on Appropriations.

By Mr. SIMS: Petition of Presbyterian Sunday School, Selmer, Tenn., favoring adoption of House joint resolution 163; to the Committee on the Judiciary.

Also, petition of the Christian Bible School, Selmer, Tenn.; the Baptist Sunday School, Selmer, Tenn., and the Methodist Sunday School, Selmer, Tenn., all praying for the adoption of House joint resolution 163; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against passage of the Owen bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Resolution of Allied Committees Political Refugees' League and Anti-Root Amendment Conference, against passage of Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of William Thurn, of Pasadena, Cal., indorsing resolutions of New York State mayors conference in New York City, relative to size of passenger vessels and sufficient lifeboats, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of United States relative to the removal of the prohibition of American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of New York: Petition of citizens of Brooklyn, N. Y., favoring passage of House bill 22339 and Senate bill 6172, against stop watch in Government shops; to the Committee on the Judiciary.

Also, petition of Royal Neighbors of America, Kansas City, Kans., and the Homesteaders, Des Moines, Iowa, both favoring passage of the Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of South Side Board of Trade of New York City, N. Y., favoring passage of law to suspend for six months the import duty now upon foreign-grown potatoes; to the Committee on Ways and Means.

Also, petition of Kaufmann & Strauss Co., of New York City, N. Y., against passage of the Webb bill, an interstate liquor law; to the Committee on the Judiciary.

Also, petition of Allied Committee of the Political Refugee Defense League of America and Independent Order of B'rith Abraham, Eastern New York Lodge, No. 184, New York City, N. Y., against passage of literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of 101 citizens of the United States, passengers on the steamship *Blucher*, favoring removal of prohibition upon the American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. WOOD of New Jersey: Petition of the Hunterdon County Woman's Christian Temperance Union, urging the speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 24221, granting an increase of pension to William Long; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 8, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

OMAHA INDIAN RESERVATION, NEBR.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska, which were, on page 1, line 5, to strike out "in manner hereinafter set forth" and insert "in such manner as he may direct"; on page 1, line 5, after "each," to insert "or as nearly as to the Secretary may seem practicable"; on page 3, beginning in line 4, after "act," to strike out "but no bid shall be received therefor except from members of the tribe"; on page 3, line 7, after "use," to insert "*Provided further*, That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or otherwise disposed of, shall be subject for a period of 25 years to all of the laws of the United States prohibiting the introduction of intoxicants into the Indian country"; on page 3, to strike out lines 8 to 19, inclusive; on page 3, line 20, to strike out "4" and insert "3"; on page 4, line 23, to strike out "5" and insert "4"; and on page 5, to strike out lines 4 and 5.

Mr BROWN. I move that the Senate concur in the House amendments.

Mr. HEYBURN. I ask for information what bill is this.

Mr. BROWN. It is a bill which authorizes the sale of certain unallotted lands on the Omaha Indian Reservation.

Mr. HEYBURN. In your State?

Mr. BROWN. Yes; in Nebraska.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 312) making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

The message also announced that the House had passed a bill (H. R. 5602) authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The message also transmitted to the Senate resolutions of the House on the life, character, and public services of the Hon. HENRY C. LOUDENSLAGER, late a Representative from the State of New Jersey.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 275. An act to make the special examiner of drugs, medicines, and chemicals an assistant appraiser at the port of Boston;

S. 1524. An act to authorize the construction and maintenance of a dam across the Kansas River, in western Shawnee County, or in Wabaunsee County, in the State of Kansas;

S. 3160. An act to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes;

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah;

S. J. Res. 90. Joint resolution to authorize Capt. John Q. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; and

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of Arizona, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 2) requesting that the Sixty-second Congress of the United States submit to the several States an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people.

Whereas Article V of the Constitution of the United States provides that whenever two-thirds of both Houses of Congress shall deem it necessary Congress shall propose amendments to the Constitution, or, on application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments; and

Whereas the legislatures of 29 States have applied to the Congress of the United States for the submission to the States of an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people: Therefore be it

Resolved by the Senate and the House of Representatives of the Legislature of the State of Arizona, That the Sixty-second Congress of the United States is requested, and by this resolution application is made, by the Legislature of the State of Arizona to the Congress of the United States in its Sixty-second session to submit to the several States an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people; and

Resolved further, That a copy of this resolution be certified by the chief clerk of the house and the secretary of the senate to the Speaker of the House and the President of the Senate of the Congress of the United States.

M. G. CUNNIFF,
President of the Senate.
SAM B. BRADNER,
Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate of the Legislature of the State of Arizona, now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of senate joint resolution No. 2, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 2d day of May, 1912.

B. F. THUM,
Chief Clerk House of Representatives.
J. M. MCCOLLUM,
Secretary of the Senate.

Mr. LODGE. Mr. President, I present a protest from certain citizens of my State against the immigration bill recently passed. I wish to call attention to one statement:

The Dillingham bill, in addition to a literacy test, provides in section 18 thereof that all immigrants be required to carry with them a certificate of identity.

I merely desire to say that that is not the case. No such requirement is made by the proposed law. Section 18 requires for statistical purposes that certain statements be taken from the immigrant. He is furnished with a duplicate of that in case he wishes to leave the country and return. There is no requirement of a certificate of identification in it.

As the protest is printed, I thought this error might be repeated in other protests, and I wished therefore to call attention to it.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. GALLINGER presented the petition of George C. Evan, of Jefferson, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Berlin, N. H., praying for the enactment of legislation to provide for the protection of passengers on ocean vessels, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. JONES. Mr. President, yesterday I presented certain telegrams and letters in favor of the Owen medical bill. I asked that certain of those telegrams be printed in the RECORD. There was evidently a misunderstanding about it, and they were not printed in the RECORD. So I will ask that the telegrams be procured which were signed by Mrs. O. G. Ellis, chairman food sanitation committee, Washington State Federated Clubs of Olympia; E. F. Chase, secretary Yakima County Medical Society, of North Yakima; R. W. Perry, president King County Medical Society, of Seattle; and W. W. Mackenzie, president Spokane County Medical Society, of Spokane, and that they be printed in to-morrow's RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The telegrams referred to are as follows:

OLYMPIA, WASH., *May 2, 1912.*

Senator WESLEY L. JONES, *Washington, D. C.:*

Surprised to hear of your opposition to the Owen bill for Federal health department. Washington State Federation of Women's Clubs, after discussion and clear understanding, indorsed the measure without dissenting vote. We are 5,000 women in this State.

Mrs. O. G. ELLIS,
Chairman Food Sanitation Committee,
Washington State Federated Clubs.

NORTH YAKIMA, WASH., *February 15, 1912.*

Hon. WESLEY L. JONES,
United States Senator, Washington, D. C.:

The Yakima Medical Society to a man indorse Senator Owen's bill to establish a department of health. Letter will follow.

Respectfully, by order of Yakima County Medical Society,
E. F. CHASE, *Secretary.*
THOMAS TETREAU, *Health Officer.*

SEATTLE, WASH., *April 30, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

Beg to remind you of letter of December 28, 1911, from King County Medical Society, representing 330 physicians practicing nonsectarian medicine, requesting your support of Owen bill. Your telegrams read in Senate recently do not express the sentiment of this community.

R. W. PERRY, *President.*
J. C. MOORE, *Vice-President.*
J. B. MANNING, *Secretary.*
P. V. VONPHUL,
R. J. O'SHEA,
H. E. ALLEN,
Trustees King County Medical Society.

SPOKANE, WASH., *May 2, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The Spokane County Medical Society, membership 140, heartily indorse the Owen bill and urge you to use every honorable means in support of same.

W. W. MACKENZIE, *President.*

Mr. TOWNSEND. I present a telegram, in the nature of a petition, from R. C. Jamison, secretary of the Wayne County Medical Society, of Michigan, in favor of the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DETROIT, MICH., *May 7, 1912.*

Hon. CHARLES TOWNSEND,
United States Senator, Washington, D. C.:

The Wayne County Medical Society, consisting of 600 members, is overwhelmingly in favor of the passage of the Owen bill.

R. C. JAMISON, *Secretary.*

Mr. GARDNER presented petitions of Local Granges of Gouldsboro, Seboeis, East Corinth, Bucksport, Wiscasset, North Lovell, East Summer, Warren, China, all of the Patrons of Husbandry; of Federal Labor Union, No. 11434, of Augusta; of Carpenters' Union No. 621, of Bangor; of the Local Assembly Knights of Labor, of Hallowell; of the Mule Spinners' Association, of Brunswick; and of sundry citizens of Mecca, Mapleton, and Lisbon Falls, all in the State of Maine, and of Local Grange, Patrons of Husbandry, of Cassadaga, N. Y., praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Bath, Me., and a memorial of sundry New England cotton manufacturers, remonstrating against the adoption of the Covington amendment to the Panama Canal bill, which were referred to the Committee on Interoceanic Canals.

He also presented a petition of the committee of wholesale grocers of New York City, praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. SANDERS presented a petition of sundry citizens of Lonsdale, Fountain City, and Knoxville, all in the State of Tennessee, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Naval Affairs.

Mr. GRONNA. I have a number of telegrams from citizens of my State, remonstrating against the passage of the Bourne general parcel-post bill. They are all very brief, and I ask that they may be printed in the RECORD and lie on the table.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

HATTON, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA, *Washington, D. C.:*

We are opposed to the Bourne general parcel-post bill, which we understand was just introduced in the Senate, and wish you would use your influence to defeat same.

OLSON, HEGG & CO.

TOLNA, N. DAK., *May 7, 1912.*

Senator GRONNA, *Washington, D. C.:*

We are very much opposed to BOURNE'S general parcel-post bill. Will be a great detriment to business in this State. We urge you to do all possible to oppose same bill. Answer.

NICK HALVORSON & CO.

PISEK, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA,
Senate, Washington, D. C.:

The passing of the Bourne parcel-post bill or any such measure I most emphatically protest. The pay roll of additional employees thereby created will form a deficit beyond comprehension, and so will be trans-

portation on the parcel. The whole public will have to bear this incomprehensible deficit, while the benefit will not be general. I implore your best ability to oppose the passage of this bill.

A. ARUMRICH.

—

BERTHOLD, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA, *Washington, D. C.:*

I am very much opposed to the Bourne general parcel-post bill, and I hope you will do all you can to defeat it. Thanking you in advance,

Yours, truly,

E. E. MAUEL.

—

NORTHWOOD, N. DAK., *May 7, 1912.*

Senator GRONNA, *Washington, D. C.:*

As a retail dealer I most emphatically protest against the passage of the Bourne parcel-post bill, and against any parcel-post legislation until Congress has given the matter thorough investigation as to how it would affect our business conditions. I believe it would prove a great handicap to retailers.

OTTO SAUGSTAD.

—

MINOT, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA, *Washington, D. C.:*

We are convinced that the Bourne parcel-post bill will be a millstone attached to the retail dealers of this State. May we have your strong influence in defeating the bill?

JACOBSON & FUGELSO.

—

BOTTINEAU, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA, *Washington, D. C.*

DEAR SIR: Please use your best efforts to defeat the Bourne general parcel-post bill, as I consider it detrimental to the best interests of this State.

W. R. MCINTOSH.

—

FORBES, N. DAK., *May 7, 1912.*

United States Senator A. J. GRONNA,
Washington, D. C.:

We are very much opposed to the Bourne general parcel-post bill now before the United States Senate and ask that you use your influence to defeat this measure, as its passage would work hardship to the merchants throughout the smaller towns and villages in the several States.

HELLEKSON, SCHULSTAD & CO.

—

JAMESTOWN, N. DAK., *May 7, 1912.*

Hon. A. J. GRONNA,
Care United States Senate, Washington, D. C.:

I believe the Bourne general parcel-post bill would be very detrimental to the interest of the merchants in all country towns throughout the United States. I hope you will vote and work against it.

H. B. ALLEN.

—

WAHPETON, N. DAK., *May 7, 1912.*

Senator A. J. GRONNA, *Washington, D. C.:*

No doubt you realize the importance of the Bourne general parcel-post bill. We sincerely ask that you consider carefully the danger which would arise, should this bill be passed, and will use your influence in opposition to it. It will create an enormous deficit and horde of additional employees.

H. H. ONSTAD.

—

GRAND FORKS, N. DAK., *May 6, 1912.*

Hon. A. J. GRONNA, *Washington, D. C.:*

We urge your loyal support in defeating the Bourne general parcel-post bill, believing that it is not based on thorough investigation and would mean an enormous deficit in Post Office Department.

BARNES & NUSS CO.

Mr. GRONNA. I present another telegram, from the Medical Society of Cass County, N. Dak., asking that the Owen health bill be passed. I ask that it also be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FARGO, N. DAK., *May 5, 1912.*

Hon. A. J. GRONNA,
United States Senator, Washington, D. C.:

The Medical Society of Cass County, N. Dak., wishes to go on record as heartily in favor of the Owen Senate bill and solicit your support of the same.

DR. P. RINDLAUB,
President Cass County Medical Society.

Mr. GRONNA presented a memorial of sundry citizens of Park River, N. Dak., remonstrating against the passage of the so-called Lever bill in so far as it restricts the free and open marketing of grain, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Twentieth Century Club of Devils Lake, N. Dak., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented the petition of Gilbert Howell, president of the National Fraternal Press Association, praying for the enactment of legislation extending the privileges of second-class postage rates to the publications of fraternal societies and organizations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the James W. Houston Co., of Pittsburgh, Pa., praying for the enactment of legislation to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Commercial Club of Lewistown, Mont., praying for the enactment of legislation creating a national game preserve in eastern Montana, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of members of the National Association of Talking Machine Jobbers, remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a memorial of the Down-Town Taxpayers' Association, of Brooklyn, N. Y., remonstrating against the adoption of the proposed Gallinger amendments to the bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Arizona. I present telegrams in support of the Owen medical bill. The telegrams are very short, and I ask that they lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

TUCSON, ARIZ., *May 7, 1912.*

Hon. MARCUS A. SMITH, *Washington, D. C.:*

I urgently request you to support Senate bill No. 1.

I. E. HUFFMAN, *Mayor of Tucson.*

—

PEARCE, ARIZ., *May 3, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.

DEAR SIR: I wish to call your attention to the fact that the Owen bill, establishing a public health bureau, will work to the advantage of all the people and not as Senator WORKS and other opponents claim—that it favors any certain cult or ism of medical science. It will not in any way interfere with the various State laws regulating the practice of medicine, so all the arguments of its opponents fall flat.

I trust you may give the bill your hearty support. I am,

Yours, very truly,

JOSEPH PESTAL.

—

TUCSON, ARIZ., *May 5, 1912.*

Senator MARCUS A. SMITH,
United States Senate, Washington, D. C.:

We urgently request your hearty support of Senate bill No. 1.

H. W. Fenner, M. D.; A. W. Olcott, M. D.; W. V. Whitmore, M. D.; A. G. Schnabel, M. D.; H. H. Pilling, M. D.; Ira E. Huffman, M. D.; M. A. Rodgers, M. D.; H. E. Crepin, M. D.; G. R. Servin, M. D.; G. D. Troutman, M. D.; Meade Clyde, M. D.

—

TUCSON, ARIZ., *May 6, 1912.*

Hon. MARCUS A. SMITH,
Care Senate, Washington, D. C.:

I heartily favor the establishment of a department of public health as provided for in Senate bill No. 1, popularly known as the Owen bill, and therefore request your support thereof. I am convinced that public sentiment locally will approve such action.

FRANK H. HEREFORD.

—

TUCSON, ARIZ., *May 6, 1912.*

Hon. MARCUS A. SMITH, *Washington, D. C.:*

Please support Senate bill No. 1, popularly known as the Owen bill, for the establishment of a department of public health.

WM. MCDERMOTT.

Mr. SMITH of Arizona. I also present a number of telegrams, in the nature of memorials, remonstrating against the Owen medical bill. I ask that the telegrams lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

LOS ANGELES, CAL., *April 23, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Can you see your way clear to oppose the enactment into law of the proposed Owen public health service bill? This bill is but an entering wedge for medical legislation that would eventually rob the people of individual rights, and it should be defeated in infancy. A referendum vote would kill it.

For 30 years past your well-wisher. D. A. MACNEAL.

—

WILLCOX, ARIZ., *May 2, 1912.*

MARCUS A. SMITH,
United States Senate, Washington, D. C.:

We ask you to vote against the Owen bill.

Mrs. Wm. M. Riggs, Mrs. Jas. J. Riggs, Mrs. Wm. A. Stark, Mrs. Gus L. Moore, Mrs. Theo. Waughtel, Mrs. Ed. Riggs, Harvey Amalong, Mrs. B. G. Hines, Mrs. Kate Gardner, Miss Georgia Gardner, Mrs. Lucinda Soule.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS SMITH,
United States Senate, Washington, D. C.:

Hope you see the injustice Owen bill restricting the rights of medical freedom. We should have our liberty to choose medically as well as religiously. This bill is an encroachment on the sacred rights of the people. Trust you will do all in your power to defeat this bill.

MRS. LEVINA DOHARTY.

PRESCOTT, ARIZ., *May 2, 3, 1912.*

Hon. MARCUS A. SMITH,
United States Senate Chamber, Washington, D. C.:

We believe the Owen bill to be pernicious and against the public interests, and we ask you to work and vote against its passage.

H. H. Biles, W. W. Elliott, M. T. Tribby, E. A. Kaatner, Geo. Bentson, D. W. Russell, H. W. Heap, C. H. McLane, J. B. Rogers, M. E. Spaulding, John Lawler, T. J. Nolan, Anton Schneider, H. Brinkmeyer, Thos. J. Crowl, Ed. W. Wells, W. T. Hargrove, D. J. Sullivan, J. W. Hobbs, B. Tilton, A. J. Head.

—

WILLCOX, ARIZ., *May 2, 3, 1912.*

Senator MARCUS A. SMITH, *Washington, D. C.:*

We, the undersigned, free-born American citizens of the United States, emphatically protest against the passage of any such un-American measure as the Owen bill now before Congress, and feel that we should request our Senators to assist in killing this bill.

E. A. Ely, T. F. Merrill, S. N. Kemp, W. Kalt, Mrs. G. A. Ricaby, H. A. Morgan, Reulaux, Geo. A. Hanmore, W. I. Crawford.

—

TUCSON, ARIZ., *May 3, 1912.*

MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Myself and family believe in Christian Science and are opposed to the provisions of the Owen bill, whereby we will be prohibited from practising the tenets of our belief. We think it is against the spirit of our institutions and earnestly ask your assistance in defeating it.

Mrs. S. H. DRACHMAN.

—

TUCSON, ARIZ., *May 3, 1912.*

MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Believing that the Owen bill is inimical to Christian Science, in which my wife, daughter, and myself have faith, we earnestly request you to vote against it. We oppose the idea of a law compelling us to accept medical aid in which we do not believe.

H. E. HEIGHTON.

—

TUCSON, ARIZ., *May 3, 1912.*

Hon. MARCUS A. SMITH, *Washington, D. C.:*

Will highly appreciate your best efforts to protect Christian Science practice against Owen medical bill. It is un-American to legislate against our religious freedom, and it should be our privilege as individuals to seek relief from our ills by choosing either him who prescribes pills the size of horse beans or the one who issues them the size of pearl sago, dissolved in a gallon of water, or, as Christian Scientist, be permitted to seek relief through Him with whom all things are possible, in accordance with our religious belief.

GUST. A. HOFF AND FAMILY.

—

DOUGLAS, ARIZ., *May 1–2, 1912.*

Hon. MARCUS SMITH,
United States Senate, Washington, D. C.:

As adherents of Christian Science, we urge you to reconsider your determination to vote for the Owen bill, as the passage of this bill would not only deprive us of medical freedom, but of our religious liberty as well.

Mrs. W. T. WEBB.
Mrs. DAVID ROBSON.

—

DOUGLAS, ARIZ., *May 1–2, 1912.*

MARCUS A. SMITH,
Care United States Senate, Washington, D. C.:

As citizen of Arizona, urge you to look at Owen bill from a standpoint of justice. If passed, it means depriving me of my religious and medical freedom. It is not constitutional. It is nothing but a medical trust. Understand you are pledged to vote for it.

Mrs. H. A. STRODTHOFF.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Owen medical bill is dangerous for the reason that it is an opening wedge to the establishment of governmental medicine, which is equally as bad as governmental religion. I pray that you will please change your campaign promise and vote against the bill.

JOHN J. PATTON.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

Please ignore your preelection pledge and vote against the Owen medical bill as it is an opening wedge for governmental medicine, which is as dangerous as governmental religion. In this land let us have "freedom ring."

MABEL BROSTROM.

—

BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

The Owen medical bill is dangerous because it is the opening wedge to governmental medicine, which is as wrong as governmental religion. Please ignore your preelection pledge and vote against the bill.

J. G. PRITCHARD.

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BISBEE, ARIZ., *May 2, 1912.*

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

I understand you pledged yourself during the campaign to support the Owen medical bill. If this is so please reconsider before voting. The bill is dangerous because it is designed as an entering wedge to establish governmental medicine, which would be as unconstitutional as governmental religion.

BRUCE PERLEY.

Mr. CRANE presented a petition of Sergeant Fred Thomas Camp, No. 48, Department of Massachusetts, United Spanish War Veterans, of Haverhill, Mass., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. OLIVER. I present a petition from 101 citizens of the United States who were passengers on the steamship *Bluecher* in April last, praying for the removal of the prohibition upon the American registration of foreign-built ships for foreign trade. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Naval Affairs, to which was referred the bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps, reported it without amendment and submitted a report (No. 710) thereon.

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred the bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy, reported it with amendments and submitted a report (No. 711) thereon.

He also, from the same committee, to which was referred the bill (S. 473) relating to Navy retirements, reported it with an amendment and submitted a report (No. 712) thereon.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 5155) for the relief of James E. Walker, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 5433) for the proper recognition of the services rendered by Herman Haupt during the Civil War, submitted an adverse report (No. 713) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. ROOT, from the Committee on Industrial Expositions, to which was referred the bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., portion of the marine-hospital reservation not needed for marine-hospital purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 2949) to establish a hydrographic station at Los Angeles, Cal., reported it without amendment and submitted a report (No. 714) thereon.

Mr. WETMORE, from the Committee on Naval Affairs, to which was referred the bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States Navy, reported it with an amendment and submitted a report (No. 715) thereon.

Mr. WARREN, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., reported it with amendments and submitted a report (No. 716) thereon.

EMERGENCY CROPS ON OVERFLOWED LANDS.

Mr. BURNHAM. From the Committee on Agriculture and Forestry I report back favorably with amendments the bill (S. 6658) to provide for emergency crops on overflowed lands in the south Mississippi Valley, and I submit a report (No. 707) thereon. I call the attention of the junior Senator from Louisiana [Mr. THORNTON] to the bill.

Mr. THORNTON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 5, before the word "thousand," to strike out "one hundred" and insert "fifty"; in line 6, before the word "Mississippi," to strike out "south"; in the same line, after the word "Valley," to strike out the words "by extending the farmers' cooperative demonstration work of the Bureau of Plant Industry, the purchase and distribution of suit-

able seed, and all other necessary expenses," and insert "to be expended by the Department of Agriculture"; in line 9, before the word "employment" to insert the word "temporary"; and in line 10, after the word "assistants," at the end of the bill and before the period, to insert a comma and the words "and for the payment of all other necessary expenses during the present emergency," so as to make the bill read:

Be it enacted, etc., That there shall be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 to meet the crop emergency in the overflowed lands of the Mississippi Valley, to be expended by the Department of Agriculture for the temporary employment of local agents, experts, and assistants, and for the payment of all other necessary expenses during the present emergency.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for emergency crops on overflowed lands in the Mississippi Valley."

JOHN W. MORSE.

Mr. LODGE. From the Committee on Naval Affairs I report back favorably, with amendments, the bill (S. 2356) for the relief of John W. Morse, and I submit a report (No. 708) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. CULBERSON. Let the report be read.

Mr. LODGE. The report is very long, because it contains all the items. I can state it in a moment.

Nearly two years ago Senators may remember that a pay clerk named Lee robbed the safe of a paymaster on one of our ships in Cuba, I think at Guantanamo or Habana. The amount taken was over $50,000. A court of inquiry exonerated the paymaster and held that he had taken every possible precaution and the loss was in nowise due to him.

The bill was introduced more than a year ago. Since that time Lee has been arrested and $26,000 has been recovered, but $17,000 still stands on the books of the Treasury debited to the paymaster. Of course, he can not receive his pay unless that debit is changed on the books. It has always been done in similar cases. The bill is recommended by the department.

Mr. CULBERSON. Is the report unanimous?

Mr. LODGE. It is the unanimous report of the committee.

Mr. BRISTOW. I should like to inquire if these disbursing officers give any bond or security of any kind?

Mr. LODGE. The paymaster gives a bond.

Mr. BRISTOW. But does the clerk who handles the money?

Mr. LODGE. The clerk has the paymaster's responsibility.

Mr. BRISTOW. Did he take a bond from the clerk?

Mr. LODGE. I think not. He had no bond from the clerk at all. There is no possibility whatever of his recovering the money from the clerk.

Mr. BRISTOW. Are clerks of paymasters under bond in any way?

Mr. LODGE. Not to my knowledge. They do not handle the money. All the money is in the hands of the paymaster. This man broke the safe and took the money out of the safe during the absence of the paymaster. The court of inquiry investigated it very thoroughly and exonerated the paymaster entirely.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 5, before the word "thousand," to strike out "forty-six" and insert "seventeen"; in line 6, before the word "hundred," to strike out "four" and insert "eight"; in the same line, before the word "dollars," to strike out "ninety-one" and insert "thirty-eight"; and in line 6, before the word "cents," to strike out "ninety-five" and insert "twenty-eight," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit in the accounts of Paymaster John W. Morse, United States Navy, the sum of $17,838.28, being the amount stolen from United States funds by Pay Clerk Edward V. Lee, United States Navy, and charged against the accounts of the said John W. Morse, paymaster, on the books of the Treasury Department.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the report may be printed.

The VICE PRESIDENT. In the RECORD?

Mr. LODGE. I think it had better be printed as a report.

The VICE PRESIDENT. Not in the RECORD?

Mr. LODGE. Not in the RECORD, but as a report. It may be necessary for reference in the House.

The VICE PRESIDENT. The report will be printed under the rule.

RELIEF OF ENLISTED MEN OF U. S. S. "GEORGIA."

Mr. CLAPP. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 5362) to reimburse the enlisted men of the U. S. S. *Georgia* who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee (S. Rept. 709), and I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several enlisted men of the Navy and Marine Corps then attached to the U. S. S. Georgia the respective sums of money placed by said enlisted men on deposit for safe-keeping with the pay officer of said ship, as permitted by article 1331 of the Navy Regulations, which said sums were stolen on February 10 or 11, 1911, by one Edward V. Lee, clerk to said pay officer; and the sum of $4,300, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. BRISTOW. I should like to make an inquiry about the bill.

Mr. CLAPP. It involves the same case as the bill which was just passed. These seamen had a certain sum, amounting, in the aggregate, to a little over $4,000, in the safe which was broken into. The object of the bill is to reimburse them.

Mr. BRISTOW. Why should the Government repay them? It was their money.

Mr. CLAPP. I think it is a most meritorious bill. The Government encourages on the part of these sailors the habit of depositing their money, and in this particular instance the safe was burglarized. It is a small amount, comparatively. I think it would be very unfortunate if these sailors should lose it.

Mr. BRISTOW. It is unfortunate for any man to be robbed, but I do not think the Government ought to reimburse every man whose pocket happens to be picked or safe happens to be burglarized.

Mr. CLAPP. I do not think so either, but here is a class of men the Government is particularly anxious to encourage in the habit of keeping their savings and making their deposits on shipboard.

Mr. LODGE. There are regulations and provisions, I think, by the Government for taking care of the seamen's money.

Mr. CLAPP. Yes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 6741) authorizing the Secretary of War to donate to the city of Huntington, W. Va., carriage and cannon or field-pieces; to the Committee on Military Affairs.

By Mr. FALL:

A bill (S. 6742) to provide for the purchase of a site for the erection of a public building in Tucumcari, N. Mex.;

A bill (S. 6743) to provide for the purchase of a site for the erection of a public building at Deming, N. Mex.;

A bill (S. 6744) to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex.; and

A bill (S. 6745) to provide for the erection of a Federal building in Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS:

A bill (S. 6746) for the relief of heirs of Dr. Hervey Baker, deceased (with accompanying paper); to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 6747) granting a pension to Almacia G. Bartlett; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6748) for the relief of the State Board of Regents of the University of Idaho; to the Committee on Appropriations.

A bill (S. 6749) granting a pension to Allen V. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:
A bill (S. 6750) granting an increase of pension to Arnold Bloom (with accompanying papers); to the Committee on Pensions.
By Mr. CATRON:
A bill (S. 6751) relative to the powers and duties of United States surveyors general; to the Committee on Public Lands.
By Mr. CUMMINS:
A bill (S. 6752) granting an increase of pension to George B. Turney (with accompanying paper); to the Committee on Pensions.
By Mr. DU PONT:
A bill (S. 6753) for the relief of the heirs of John W. Massey; to the Committee on Claims.
A bill (S. 6754) granting an increase of pension to George Elliott; to the Committee on Pensions.
By Mr. GUGGENHEIM:
A bill (S. 6755) granting an increase of pension to Jane Hubbard; to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 6756) granting an increase of pension to John T. Craddock (with accompanying paper); to the Committee on Pensions.

AMENDMENT TO MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT submitted an amendment providing that hereafter graduates of the Military Academy shall receive mileage as authorized by law for officers of the Army, from West Point, N. Y., to the station which they first join for duty, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," which was ordered to lie on the table and be printed.

DRY-LAND HOMESTEADS.

Mr. HEYBURN submitted the following resolution (S. Res. 306), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish the Senate with full information as to the number of homestead entries and the additions to existing homesteads made in each State and in the aggregate under the enlarged homestead acts approved February 19, 1909, and June 17, 1910.

RECALL OF JUDGES (S. DOC. NO. 649).

Mr. LODGE. I present a brief argument in opposition to the recall of judges, by Rome G. Brown, of Minneapolis, Minn., presented before the Minnesota State Bar Association at its annual meeting at Duluth, Minn., July 19, 1911. I ask that the argument be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

INITIATIVE AND REFERENDUM (S. DOC. NO. 651).

Mr. OWEN. I present a memorial by C. F. Taylor, editor of the Equity Series, on the initiative and referendum and the fundamental error in the reasoning set forth in the argument found in certain Senate documents. I ask that the memorial be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE AMENDMENTS TO ARBITRATION TREATIES (S. DOC. NO. 654).

Mr. HITCHCOCK. I ask to have printed as a Senate document an article which appeared in the North American Review for the current month of May by the senior Senator from Georgia, Hon. AUGUSTUS O. BACON, on the subject of the Senate amendments to the arbitration treaties. I will submit the article later.

The VICE PRESIDENT. Without objection, the order will be entered as requested.

BILLS OF LADING (S. DOC. NO. 650).

Mr. CLAPP. I ask that the hearings before the Committee on Interstate Commerce, United States Senate, Sixty-second Congress, on the bill (S. 4713) relating to bills of lading in commerce with foreign nations and among the several States, and the bill (S. 957) relating to bills of lading, being parts 1, 2, and 3, be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

HOUSE BILL REFERRED.

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., was read twice by its title and referred to the Committee on Public Lands.

BRIDGE ACROSS THE BIG SANDY RIVER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va., which were, on page 1, line 6, to strike out "railroad"; and on page 1, line 8, after "at," to insert "a point suitable to the interests of navigation."

Mr. NELSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. BRISTOW. Mr. President, I should like to inquire of the chairman of the Committee on Privileges and Elections when we shall have a report on the Lorimer case?

Mr. DILLINGHAM. Mr. President, I hope by the end of this week the report will be completed. It is in a good state of progress. We have devoted a great deal of time to it in order to condense the information and get it in presentable form. I expect we shall be able to complete the report during the present week.

Mr. BRISTOW. I make the inquiry because it has been now three months to-day, if I remember rightly, since the hearings closed, or since the case was closed. Senators have had the abstract of evidence for many weeks. The session is approaching summer, and I do not think the Senate should adjourn without action on this case. It seems to me—a year practically has now passed since the case was referred to the committee—that we should have had a report sooner, and I had in mind a motion asking the committee to make a report not later than Monday next. I believe I will make that motion. I move that the Senate request the Committee on Privileges and Elections to file its report in the Lorimer case not later than Monday next.

The VICE PRESIDENT. The Senator from Kansas moves that the Committee on Privileges and Elections be requested to make the report in the Lorimer case on or before Monday next.

Mr. CULBERSON. We have been unable on this side of the Chamber to hear the Senator from Vermont [Mr. DILLINGHAM]. I should like to ask him to repeat substantially his statement, if he will do so.

Mr. DILLINGHAM. Mr. President, I have no apologies whatever to make for any delay there has been in filing the report in the Lorimer case. True it is, as the Senator from Kansas [Mr. BRISTOW] has said, that case was referred to our committee nearly a year ago. The committee has substantially devoted five months—of course, with interruptions—to the investigation. One hundred and two full working days were given to public hearings in that case and over 180 different witnesses were summoned and examined before the committee. In addition to that, a large volume of documentary evidence was received. That evidence was printed and it has been presented to the Senate in eight volumes, containing nearly 9,000 pages of testimony. After the hearings closed, time was given to counsel to file briefs in the case, first, with respect to the law, and, secondly, with respect to the facts. Those briefs were filed probably six weeks ago, more or less; I do not know. I did not attempt to take up the work of drawing a report until the briefs were filed. Then I was called away from the city twice, once on public business and once for the same reason that almost every Senator has left the Chamber and has left the city during the present session. Other members of the committee have been out of the city. It has been almost impossible to bring them together for a consideration of certain questions that needed to be considered. I have devoted more work to the affairs of the Senate this winter than I ever did in any previous winter in my experience here. I have worked evenings as well as days.

As I said when I began, I have no apologies to offer for any delay there has been in making the report. The report has been enormously expensive to the Government; it has been made upon newly discovered evidence, so called; it has required a great deal of time to go through these volumes, to harmonize the testimony of different witnesses, to eliminate that which seemed to be false, to reach the kernel of the truth, and try to present it to the Senate.

I do not relish the criticism that came from the Senator from Kansas; I do not accept it as rebuke. I read in the Chicago Tribune of the 30th of April that some movement of this kind was to be taken; I have been expecting it since that time. I

say now that the work of drawing the report is well advanced. The majority of the committee are holding meetings twice and three times a week, and last night were together until nearly midnight in connection with this work. If it has come to that in this Senate, that men who like to stand for character in a matter of this importance are to be criticized for delay, I must submit; but I want to say for the committee that has been back of me—if I do not say it for myself—that I have never heard a suggestion of delay. I do not think that the thought has ever entered the mind of any member of the committee that there has ever been any purpose to delay its report beyond a point where it was necessary to go in order to present an intelligent report to this body. The charge that there is an intention of throwing the matter over until next winter is false. The Senate can do what they please about this motion.

Mr. CULBERSON. Mr. President——

Mr. DILLINGHAM. I beg pardon of the Senator from Texas. I said in opening—and I forgot to repeat it in answer to his inquiry—that the report is so far advanced that I expected it would be completed during the present week.

Mr. CULBERSON. That is what I wanted to understand.

Mr. KENYON. Mr. President, the inquiry of the Senator from Kansas was not directed to the minority of the Committee on Privileges and Elections, as I understand; but I want to say on behalf of the minority that their report is ready. There are, however, no rules of the Senate, as I understand, by which a minority report can be filed.

Without any spirit of criticism of the record in this case, the dates would seem to indicate that a report ought soon to be filed. The investigation was ordered on June 7, 1911; hearings were commenced on June 20, 1911, and were closed on February 9, 1912; briefs on the law were to be filed by March 1; briefs on the facts by March 15; and the last brief was filed on March 17. It is, therefore, three months since the testimony closed and 52 days since the last brief was filed. It would seem that some time ought to be fixed for a report—not any immediate time, if more time is necessary—but simply that some time ought to be fixed.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I yield.

Mr. HEYBURN. I should like to ask the Senator from Iowa a question. Under what rule of this body does the document denominated a "minority report" come?

Mr. KENYON. I understand that it is merely a presentation of the views of the minority.

Mr. HEYBURN. It is not provided for by any rule of this body, nor is it recognized otherwise, and it should not be. The majority of a committee is the committee. I merely make that suggestion. I hope the time is close at hand when these documents called "minority reports" will pass out of existence.

Mr. KENYON. I do not think they will pass out in the Senator's time or mine.

Mr. HEYBURN. They may.

Mr. BRISTOW. Mr. President, the Senator from Vermont [Mr. DILLINGHAM] seemed to exhibit some warmth in replying to a suggestion that I had made. I do not care to criticize the Committee on Privileges and Elections, but I do feel that there should be action in this case. It has been pending for practically a year. The taking of evidence was closed three months since, and we are advised now that the minority of the committee, who hold different views from the majority, are ready to submit their views. So it seems to me that the Senate is entitled to have the views of the majority as well.

The action I took this morning was taken because I believed the report ought to be made; but upon the statement made by the Senator from Vermont that probably his report will be filed during the week, I will withdraw the motion and not press it at this time.

The VICE PRESIDENT. The Senator from Kansas withdraws his motion.

HOUR OF DAILY MEETING.

Mr. GALLINGER. Mr. President, I have a resolution which I desire to offer. I will simply suggest that, in my individual opinion, the time has come when the Senate ought to meet at 12 o'clock and diligently work with a view to final adjournment at some reasonable time during the year. I offer the resolution that I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution submitted by the Senator from New Hampshire.

The Secretary read as follows:

Resolved, That until otherwise ordered the hour of daily meeting of the Senate shall be 12 o'clock noon.

The resolution was considered by unanimous consent and agreed to.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. CURTIS. Mr. President, yesterday I objected to the consideration of Senate joint resolution 99 because it did not cover the case of a Kansas cadet, whose name I was informed would be included. Since that time I have carefully looked into the case, and while I find that the cadets included by the joint resolution were dismissed for committing the same offense as the cadet I had in mind, they were tried at a different time, and the bill would not assist the cadet living in the State of Kansas. I therefore withdraw my objection and hope the Senate will give unanimous consent to consider the joint resolution at this time.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

Mr. GALLINGER. Mr. President, before action is taken on the joint resolution I should like the Senator having it in charge to tell just what offense these young men committed. I recall the fact that, perhaps, two or three years ago we restored some young men, I think, to the Naval Academy, by act of Congress, and there was very severe criticism of that action; in fact, it was stated to me by some of the officers of that academy that it greatly demoralized the academy and was a great detriment to the service. I have not had time to look at the report in this case, if there is any, but I should like a brief statement made as to the real offense or offenses committed by these young men.

Mr. CURTIS. Mr. President, before the statement is made by the chairman of the committee, I desire to explain to the Senate why I asked unanimous consent for the present consideration of the joint resolution. The joint resolution was taken up yesterday, and would have passed but for the objection which I made. I made the objection because the joint resolution did not include a cadet who had been dismissed from the academy, and who lived in the State of Kansas, whom I had expected would be included in the provisions of the joint resolution. After looking up the case, I have found that it would do no good to include him in this joint resolution, because no relief could be given; and I thought it only proper, therefore, to ask unanimous consent for the present consideration of the joint resolution, inasmuch as it had gone over yesterday upon my objection.

Mr. DU PONT. Mr. President, the old regulations of the Military Academy, among other things, provided as follows:

No cadet shall drink any spirituous or intoxicating liquor, or bring or cause the same to be brought within the cadet limits, or have the same in his room, tent, or otherwise in his possession, upon pain of being dismissed the service.

It will be observed that this is a very stringent regulation and that it goes very far. The new regulations which were approved by the Secretary of War on the 15th of June last, and as such have the force of law, provide as follows:

Cadets who shall drink or be found under the influence of intoxicating liquor, or bring or cause the same to be brought within the cadet limits, or have the same in their rooms, tents, or otherwise in their possession, shall be dismissed the service or otherwise less severely punished.

The idea of the new regulations was to discriminate between a man who might have taken a glass of beer, for example, without affecting him in any respect, and a man who might have taken liquor to such an extent as to be disorderly or otherwise misconduct or disgrace himself.

As to the facts in connection with these four cadets, it appears that the Corps of Cadets was on a practice march; that is to say, they marched a number of miles into the country, went into camp, and the following day marched back to the academy. This was in the line of their military instruction. It appears that after having marched away from West Point and had gone into camp, several of the cadets walked about in the neighborhood.

The cases of three of those mentioned in the joint resolution are very fresh in my recollection. They stopped at a country store and asked for a soft drink of some kind, ginger ale or other nonalcoholic beverage, and that not being procurable, they drank a glass or two of blackberry wine. That was their offense. The fourth had a phial of some sort of intoxicating liquor in his coat pocket, which he had not tasted. It was a very small quantity, a quarter of a pint or something of that kind, and he had not himself tasted any of the liquor.

Now, in addition to that I will say to the Senator from New Hampshire these four cadets were not detected in their violations of the regulations. They were known to have been walk-

ing out beyond the limits of the camp, and they were asked the question whether they had seen any cadets drink or have intoxicating liquor in their possession. They declined to answer the question on the ground that it would incriminate them. Two who had been together, each seeing the other take a glass of wine, declined to answer the question on the ground that it would incriminate them, but being ordered by the superintendent, Gen. Barry, to answer the question, each then stated under protest that he had seen his companion take a glass of wine. On this evidence they were ordered before the court-martial and dismissed the service, on the ground that the court could not impose any other punishment under the regulation which I have read.

Mr. HEYBURN. Let me see the new regulation.

Mr. DU PONT. The law has been changed.

Mr. SMOOT. Will the Senator tell us the date when the law was changed?

Mr. DU PONT. I will with great pleasure. The old regulations were changed on the 15th of June last, and the new regulations were promulgated to the Corps of Cadets on the 1st of September. The cadets were tried before the promulgation of the new regulations.

Mr. GALLINGER. There is no question that these young men did violate the existing regulation?

Mr. DU PONT. There is no question as to that.

Mr. GALLINGER. I am in the habit of following committees; that is my usual custom; and inasmuch as these new regulations have been agreed to since that time and a less severe punishment may be inflicted upon violators of the law or the regulation, I am not going to insist upon any objection.

I will go only to this extent: I want the privilege of voting against the bill, because I believe it is bad legislation.

Mr. SMOOT addressed the Chair.

Mr. DU PONT. I yield to the Senator from Utah.

Mr. SMOOT. I notice the regulations were approved June 15 and were not shipped by the Public Printer to the Superintendent of the Military Academy at West Point until the 29th of August.

Mr. DU PONT. That is the case as I have stated it.

Mr. BACON. This is a discussion in which we are all interested, but of the conversation among the group of Senators who have lately been speaking we have not heard any part.

The VICE PRESIDENT. The Senate will be in order.

Mr. SMOOT. I wanted to know of the Senator whether it is to be the policy of the Military Committee to authorize a rehearing in cases of dismissal for offenses of this character.

The reason I ask the question is that some two years ago a widow's son from my State, a cadet at Annapolis, took a drink of liquor once and once only and was dismissed from the academy. Every effort was made to have the circumstance overlooked, and it was appealed to the President of the United States, but failure was the result, and if this is to be the policy that is to be adopted I think a case of that kind ought to be taken into consideration.

Mr. SWANSON. The distinction between that case and this is that the young men were tried in August. They had not then promulgated this order imposing a less penalty than dismissal. If the court-martial had known that, they would not have recommended dismissal. The question is whether they should not have been tried under the new rule.

Mr. LODGE. When was the offense committed?

Mr. DU PONT. I have charge of the bill, and I will answer the Senator from Massachusetts. The trial took place on the 16th day of August.

Mr. LODGE. I know that. What I want to get at is the date of the offense.

Mr. DU PONT. The date of the offense was about the 1st of August.

Mr. LODGE. The 1st of August?

Mr. DU PONT. Yes.

Mr. LODGE. At the time the new regulation had been approved and was in force.

Mr. SMOOT. But the cadets did not know that.

Mr. LODGE. It did not make any difference whether the cadets knew it or not.

Mr. DU PONT. It was actually the law, but it had not been promulgated, but when Gen. Barry convened the general court-martial he was aware of it, inasmuch as he had prepared the new regulations, and he knew that they had been approved by the Secretary of War, but he did not inform the president of the general court-martial to that effect, and allowed these men to act without knowledge of the change in law, and then approved the dismissal of the cadets.

Mr. LODGE. The court-martial, then, acted under the belief that they were required by the regulations to impose a sentence of dismissal?

Mr. DU PONT. It did.

Mr. LODGE. Whereas, as a matter of fact, if they had known that they had power to impose a less sentence, they would have done it.

Mr. DU PONT. A very large proportion of the court recommended them to clemency, and that the sentence be modified, as it was shown that the offense was not serious.

Mr. OVERMAN. What is the report of the commandant of West Point, Gen. Barry, on this matter?

Mr. DU PONT. Gen. Barry approved of their being dismissed, and said it was necessary to enforce the regulations of the academy in the interest of discipline.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Kansas?

Mr. DU PONT. Certainly.

Mr. BRISTOW. I desire to say, as a member of the Committee on Military Affairs, that I declined to join in the report in favor of this bill. I do not think it is policy to relinquish the discipline. The cadets knew they were violating the laws of the academy, and I do not think any relinquishment of discipline that would tend young Army officers from indulging in intoxicating liquors should be recognized by the American Congress. An Army officer should not be addicted to the habit of using intoxicants; his responsibilities are too great; and I do not want to cast my vote in behalf of this measure influenced by sympathy for the relatives of these young men; and I take this opportunity to express my views, and I shall vote against it.

Mr. DU PONT. Mr. President, I cordially concur with the Senator from Kansas [Mr. BRISTOW] in thinking that nothing should be done to put the stamp of approval by Congress of intemperance or of the undue use of intoxicating liquors, but the mere fact that a cadet has been shown to drink a glass of beer I do not think warrants his being dismissed from the academy and have the stigma of drunkenness put upon him and his family and his whole military career ruined by a small offense of this kind. In all such serious matters every enlightened code of justice discriminates between offenses of greater or less gravity.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Georgia?

Mr. DU PONT. Certainly.

Mr. BACON. The Senator from Delaware will permit me to make a short statement.

Mr. President, I have an interest in this matter, because one of these young men comes from my State. I have been unable to hear the presentation which has been made by the Senator from Delaware, and therefore if I repeat anything he said I may be excused. I want to make a short statement of the case as I know it.

The offense of these two young men—and I want to ask the Senator from Kansas to hear what I am saying now—was a very minor offense. If they had been guilty of drinking liquor to excess, or even if they had been drinking any strong liquor, it would be a different case from what it is. The fact is on a walk these young men at a wayside inn took a little domestic wine—homemade wine—and after they had gotten that wine they were joined or came into contact in some way with some officers who had arrested some other young men who had been guilty of an infraction of the rules in regard to the same matter.

They were not intoxicated in the least, and there was no suspicion, even on the part of the officers, that they had taken a drink, and it was only the fact that they were interrogated about these others—I think it was anyhow some side issue—that they themselves inquired of as to whether or not they had taken a drink stated that they had. They were in the company of officers immediately after, and the officers never suspected it, and it was not anything like intoxication. There was no drinking of whisky or any distilled liquor. There was no drinking of wine of any strength. There was some little domestic wine gotten at the wayside house.

I state that fact to differentiate it from the case the Senator from Kansas has in his mind when he speaks of officers or cadets who have been guilty of violating the rules in regard to drinking intoxicating liquors. It is not of that class.

Now, the particular point I want to call attention to is this: Without repeating what I heard the Senator from Delaware state, these officers who sat upon the court were not informed of this fact of the change in the rule.

But I am not going into that because it has been fully stated, and I heard that much about it. But there is another fact, and I do not know whether it was stated by the Senator from Delaware, which is this: We, of course, have had this matter under consideration and have been in consultation with officers of the

department and with the President for some time, and it was finally determined that the department should communicate with the officers who sat upon the trial of the case to ascertain whether or not they would have acted otherwise than they did if they had known of this new regulation. I do not think I am violating confidence when I say that before that reference to these officers was made the statement was made to us that if the officers still said that if they had known the regulations they would have imposed the same sentence, that that would be the end of it. The department communicated with these officers, and the information which the War Department secured from these officers was to the effect that had that change of regulation been known their action would have been different.

It is upon that basis that this bill has been introduced, not with reference to what they have done, not to set aside what they have done, but to reconvene the same court, the same officers, and have them under the law as it then existed, but of which they were then in ignorance, but with their present knowledge of the law again pass upon the case.

It does not reverse what they have done. It does not set aside what they have done. It just puts it in their possession to again hear the case with full knowledge of the law. That is all. And if they after hearing it say that these young men shall not be returned that is the end of the matter. That is all there is to it.

Mr. ROOT. May I inquire whether there is any report accompanying the bill?

Mr. DU PONT. There has been no report made for the reason that it was believed that the joint resolution set forth the facts in sufficient detail.

Mr. BACON. I do not think it is improper to state that a conference was had between Senators representing the four States from which the cadets came, and the President of the United States and the Secretary of War.

The statement was made by Senators that unless it was a matter which would be in entire harmony with the views of the Secretary of War we would not press it. It was finally suggested that that course should be taken and that the matter should, by the Secretary of War, again be brought to the attention of the officers composing this court, and the result is such as I have stated.

I repeat, the joint resolution does not set aside the finding of that court. It does not commit it to another court. In view of the fact that the officers who composed that court were not then apprised of the new order, it simply provides that they shall again hear the case with a knowledge of the law as it exists, and with full right and power to determine what shall be done, as much so as if it had been the original trial.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from New York?

Mr. DU PONT. I will yield to the Senator from New York in one moment. I should like to say that I agree absolutely with the Senator from Georgia in his conclusion, but I think one statement he made was not quite accurate. The joint resolution provides that the court is to reconvene not to reconsider the case, but to reconsider the sentence and simply take the sentence into consideration, not to hear testimony again.

Mr. BACON. That is rather a distinction without a difference.

Mr. DU PONT. In my judgment there is a difference between that and the reopening the whole of the findings. The court-martial is only to reconsider the sentence.

Mr. BACON. I did not intend by what I said to indicate other than what the Senator now says.

Mr. DU PONT. That is what I supposed. I now yield to the Senator from New York.

Mr. ROOT. Mr. President, I am not so much concerned with the question of the sentence upon these particular individuals as I am for the discipline of the Military Academy. Nothing can be worse than for Congress to interfere with discipline in the Military and Naval Academies. I think if we are going to act here—and I am willing to vote for the joint resolution on the statements which have been made—we ought to have those statements in such form that it will remain of record and be a part of the precedent which is established, so that this may never be perverted to a precedent for an interference in the discipline of the academy. Without a record, without a report which gives the evidence that the court was misled by their ignorance of the law, this would stand upon our record as being merely an attempt on the part of Congress to bring about an amelioration of the action of the authorities charged with maintaining discipline. I am not willing to vote for any action which may seem to set such a precedent.

I can well remember being in conversation with a gentleman in charge of one of the institutions in Europe corresponding to West Point, and being told, "Ah, we can not maintain discipline as you can, because whenever a young man is involved in charges of infractions of discipline some powerful influence comes in to prevent his being dealt with as is necessary for the discipline of the institution." For more than a hundred years we have kept these institutions free from any interference, either of politics or of personal influence, and if we are to interfere now and provide for a new trial or the opportunity for a new sentence for these young men, let us have a record which makes it clear that we are not establishing a precedent of congressional interference with the action of the regularly constituted authorities of the academy.

Mr. BACON and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. The Senator from Delaware still holds the floor. Does the Senator from Delaware yield, and to whom?

Mr. DU PONT. I yield to the Senator from Georgia.

Mr. BACON. I do not wish to interfere with the Senator from Virginia if he desires to go on.

Mr. SWANSON. Oh, no.

Mr. BACON. Mr. President, I entirely agree with what is said by the Senator from New York as to the importance of doing nothing which will impair the efficiency of discipline at the Military Academy. If this were a bill to set aside the finding of the court, I myself would vote against it, because of the fact that I think it would be better that an injustice should be done to some one than that the utter discipline of the academy should be destroyed. I recognize the fact that if Congress by legislation interferes to the effect of setting aside the judgments of courts-martial as to matters concerning the cadets it would absolutely destroy discipline. But there is nothing here which looks in that direction at all.

The only suggestion I would make to the Senator from New York is somewhat twofold. One is that the debates we have had set out the facts, and the other is that if it is insisted upon I have no doubt the Senator from Delaware will file a report which will set out the facts. But I do not think that that should necessarily interfere with the present consideration of the joint resolution.

Mr. GALLINGER. If the Senator from Delaware will permit me, I suggest to him that he ask leave to file a report in this case. I think that important.

Mr. DU PONT. I was just about to make such a request on behalf of the Committee on Military Affairs, that it be permitted to file a supplemental report upon the joint resolution. Then the report will be on the files of the Senate.

I now yield to the Senator from Virginia.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The Senator from Delaware has yielded to the Senator from Virginia.

Mr. HEYBURN. I do not know that the Senator from Delaware can parcel out the time in that way.

The VICE PRESIDENT. The Senator can not parcel out the time, but he still has the floor, and he can yield the floor to any Senator.

Mr. HEYBURN. I will yield to the Senator from Virginia. Having addressed the Chair first, it is for me to yield; it is not for the Senator from Delaware.

The VICE PRESIDENT. The Chair thinks the Senator from Delaware still has the floor, and he has yielded. No objection has been made to that course.

Mr. HEYBURN. I will wait until the Senator from Delaware yields the floor.

Mr. DU PONT. I yield to the Senator from Virginia, who has been waiting for some time to be heard.

Mr. SWANSON. I thank the Senator from Delaware.

It seems to me this case presents an absolute act of justice. Here were young men who committed an offense which at that time did not make them liable absolutely to expulsion. They were tried by a court-martial in August, when the court had a right to consider whether they should be expelled or not. It seems to me there is involved in this case an absolute act of justice that Congress ought willingly to concede to these young men. It is not impairing the discipline, it is enforcing the discipline and law prevailing at West Point. If the law at that time, as applied to West Point, was that the court-martial could either expel or reprimand for the offense, and if that fact was not considered by the court-martial, and they thought they were able to do nothing except to expel, discipline and law at West Point were not enforced. All that the joint resolution does is to give the court-martial an opportunity to administer the law and regulations that existed at West Point at the time the offenses were committed and at the time they were tried.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Kansas, who is now asking recognition?

Mr. BRISTOW. I should like to ask a question of the Senator from Virginia, by permission of the Senator from Delaware.

Mr. DU PONT. Very well; I yield for that purpose.

Mr. BRISTOW. I wish to ask the Senator from Virginia if these cadets did not know that they were violating the regulations of the academy when they committed the offense?

Mr. SWANSON. I will answer that I have no doubt they knew it, but whether it was known or unknown they are liable to the regulations fixed under the law for the government of the academy. The authorities at the academy tried them under a law and regulation which did not exist; that had been changed. It was changed on the 15th of June and they were tried in August. Congress is asked to provide that justice shall be administered to them according to the discipline and the rules and regulations that were existing at that time. That is all that is asked in the joint resolution. We are not reinstating the cadets. We are simply carrying out the rules and regulations and letting the court-martial consider the regulations that existed at the time of the trial.

Mr. BRISTOW. Why has there not been a request for a recommendation from the Secretary of War in regard to this measure, as is the usual custom?

Mr. DU PONT. This matter was taken up by the Senators from the four States. It so happened that the four cadets who were tried came from four separate States. The Senators from those States went to the President and sought an interview with him, as he was the person directly concerned, it being an Executive act. The Secretary of War had nothing to do with it. The interview with the President was largely verbal and the statements were verbal, after which the joint resolution was introduced, and I think I am violating no confidence in saying the President of the United States had informed us that he doubted whether substantial justice had been done, and that he would authorize the Secretary of War to communicate with the members of the court-martial and to ascertain whether at the time they imposed the sentence they knew or believed they had a right to impose a lesser penalty under the regulations. We were verbally informed, not as members of any Senate committee, but as independent Senators, that the members of the court-martial had informed the Secretary of War that they were ignorant of such fact, whereupon the President repeated the statement as to his doubts whether substantial justice had been done in the cases of these cadets, and informed us that the matter could only be remedied by Congress. Now we have come to Congress to this end, with the joint resolution which was prepared by the Judge Advocate of the Army, introduced in the Senate, and referred to the Committee on Military Affairs, who directed that it be reported back favorably.

Mr. SWANSON. It seems to me the Senator——

The VICE PRESIDENT. Does the Senator from Delaware further yield to the Senator from Virginia?

Mr. DU PONT. I yield to the Senator from Virginia.

Mr. SWANSON. The issue in this case is not whether the cadets drank whisky or did not drink whisky; the issue is whether you shall maintain discipline at West Point by trying a cadet under the rules and regulations or whether you shall try him by rules and regulations that were not existing at that time. They had been changed on the 15th of June and they were tried in August. I say, when it is evident that the rules and regulations were not enforced and that injustice was done through a mistake of facts, the only way it can be corrected is by reassembling the court-martial and let that court-martial consider the rules and regulations in existence at that time. That is all that is asked to be done.

Mr. ROOT, Mr. JONES, and others addressed the Chair.

The VICE PRESIDENT. Does the Senator from Delaware yield, and to whom? Several Senators are asking for recognition.

Mr. DU PONT. I yield to the Senator from New York.

Mr. ROOT. Mr. President, I wish to say that I stand precisely with the Senator from Virginia upon his proposition. I think we ought to have a record here by a report from the Military Committee which will show that we are making a precedent in accordance with the statement of the Senator from Virginia, instead of having it appear that we are making a precedent of interference with the discipline. If these young men were tried and sentenced by a court which understood that they were bound by the regulations to impose a sentence of dismissal when as a matter of fact the regulations had been changed so that they were not bound to impose that sentence——

Mr. DU PONT. Those are the facts.

Mr. ROOT. Then I think the young men ought to have a new trial on the ground of a mistake of law. But we should have some evidence in the proper and customary form showing that such a mistake was made.

Mr. DU PONT. I agree entirely with the Senator.

Mr. ROOT. If we do not have it we will be making a precedent of simple interference with discipline.

Mr. DU PONT. I will say to the Senator from New York that I agree with him, and I will undertake to file a supplementary report to accompany the joint resolution.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield the floor?

Mr. DU PONT. I yield to the Senator from Idaho.

Mr. HEYBURN. I will wait until I get the floor in my own right.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Kansas?

Mr. DU PONT. I do.

Mr. BRISTOW. I think that a report should be filed before the joint resolution is passed. It is a strange proceeding to pass a bill and then have a report come in. The report might be different from what we considered it would be at the time the bill was passed. Why can not the joint resolution go over and let the report be filed?

The VICE PRESIDENT. The question now pending is that the Senate will give unanimous consent for its present consideration.

Mr. HEYBURN. Mr. President, I think the question, if the Senator is to be understood as making a motion, was that he be permitted to make a report, and that rather than have it go over——

The VICE PRESIDENT. The Chair so understood, but prior to that permission had been asked for present consideration, and pending the putting of that question this discussion has been had.

Mr. HEYBURN. If I have the recognition of the Chair——

The VICE PRESIDENT. The Senator from Idaho now has the floor.

Mr. HEYBURN. I will make a statement which may be of some interest in regard to this class of cases. In 1906 a measure of this kind was introduced for the purpose of displacing the unfinished business in this body, which was then the pure food and drug act. When it became evident that that bill would succeed, two or three insignificant cases of reinstating cadets at Annapolis were brought forward with great gusto as being public measures of the highest importance, upon which the discipline of the Navy depended. I think every Senator who voted for it regretted it afterwards, and, as was suggested by some Senator here this morning, I think, perhaps, the Senator from Kansas, every Senator recognized that they had been led into making a mistake in order to accomplish a piece of diplomatic legislation. The Senator who led in that is not now a Member of this body, but I remember it well.

Now, we are asked here to review the action of the President of the United States, because it is the President's approval of the action of this board that constitutes the official act. The President approved the action of the board. The board was merely a means of advising the President in the execution of the law. There is no board that executes the law. Boards are the mediums through which facts are ascertained to enable those intrusted with the execution of the laws to perform their duty.

It is rather a serious proposition when you propose to reopen the judgment of the President of the United States, who did know that a rule existed, because he had signed it, and who did know the exact status of the case. The President knew when he approved of it the status of the law, and without impeaching his careful, accurate determination of the fact, we can not waive that question.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Idaho yield to the Senator from Georgia.

Mr. HEYBURN. Yes.

Mr. BACON. Is it not true that the board was not informed of that fact?

Mr. HEYBURN. That is not material. If the President had known it he would simply have said to the board, "Take this view; the law has been changed recently."

Mr. BACON. But he did not know that the board had acted without a knowledge of that fact.

Mr. HEYBURN. All I rose to do was to call attention to the status of these cases and suggest that when the President of the United States communicates with Congress he does not do

it by talking to individual members of committees. The President has at his control a legally organized and recognized method of saying to Congress, or to the Senate in this case, "It appears to me that when the proceedings of this board were approved by me I was not advised at that time that there had been a change in the law," and saying to the Senate of the United States, through the medium of a constitutional message, "I would advise the Senate to take such action in the matter as would obviate this mistake." Now, that is the dignified way of meeting it, and not get up here and say that you talked with The Adjuant General, or you have talked with the Secretary of War, or even with the President. That is not the way messages come into the Senate.

I know nothing of the merits, so I will not even suggest the merits of this case. But let us proceed in a dignified and orderly way.

Mr. GALLINGER. Mr. President, for the purpose of enabling the Committee on Military Affairs to submit a report in this case, I object to the present consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made, and the joint resolution goes over.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. NELSON. Mr. President, it was my purpose to ask the Senate to consider the river and harbor bill this morning, but I understand that the Senator from Iowa [Mr. CUMMINS] would like to continue his remarks on the tariff bill. In view of that fact, I shall not call up the river and harbor bill (H. R. 21477) at this time.

Mr. CLARKE of Arkansas. May I ask the Senator from Minnesota at what time does he expect to ask that that bill be taken up?

Mr. NELSON. I expect to call up the bill at the very earliest opportunity I can get.

Mr. CLARKE of Arkansas. But the Senator has not in his mind at this time a definite hour when he expects to call up the bill?

Mr. NELSON. I have not. I shall, however, be glad to call it up when the Senator from Iowa has closed his remarks.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. I do.

Mr. NEWLANDS. If the Senator will permit me, has any arrangement been made regarding the consideration of the river and harbor bill?

Mr. NELSON. No such arrangement has been made.

Mr. NEWLANDS. I make the inquiry because I have just entered the Chamber.

Mr. NELSON. I have stated to the Senate that it was my purpose to call up the river and harbor bill for consideration this morning, but I ascertained that the Senator from Iowa desired to continue his remarks on the tariff bill, and on that account I shall not call the bill up until he shall have concluded.

Mr. NEWLANDS. May I ask the Senator from Minnesota whether he is likely to call up the bill to-day or whether it will go over until to-morrow?

Mr. NELSON. I am unable to say. If the remarks of the Senator from Iowa should not continue beyond 3 o'clock, I might ask the Senate to consider the bill to-day.

Mr. NEWLANDS. Mr. President, I should like to give notice that when the river and harbor bill comes up I shall desire to address the Senate on the Mississippi River situation.

THE METAL SCHEDULE.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the unfinished business, being House bill 18642, be now taken up for consideration.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be now laid before the Senate. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. CUMMINS. Mr. President, I desire to express my appreciation of the very generous suggestion made by the Senator from Minnesota [Mr. NELSON]. I had hoped that I might conclude my remarks upon this subject before this time, but other business has intervened that seemed to be necessary. Therefore I am projected, as usual, into the very midst of the hour for luncheon.

Iron ore bears under the existing law a duty of 15 cents per ton. In the amendment which I have proposed it is put upon the free list. The existing duty is not large. It might almost be termed nominal, and yet I believe that it ought to be upon the free list for four reasons:

First. By far the greater proportion of the iron ore produced in the United States is mined by companies which do not mine it for sale, but which do mine it for conversion in their own furnaces into pig iron.

Second. It costs less in the United States at the furnace than it does abroad at the furnace.

I do not intend to pause at this time in order to establish this fact, because the whole question will finally, in a very few moments, merge into the inquiry as to the cost of pig iron.

Third. The eastern coast of the United States ought not to be burdened with the freight rate from the Lake region upon iron ore. The eastern coast of the United States, a very narrow territory along the eastern coast, is the only part of the eastern half of the United States that can by any possibility come into competition with foreign steel and iron, and we ought, for the benefit of the manufacturers of steel and iron along that coast, to admit, without any burden whatsoever, iron ore.

Fourth. As a matter of public policy it is unwise to artificially hasten the exhaustion of our supply of iron ore. It will be far better for the people of the United States to take what ore may come at this time under free importation from Cuba or from any other country than to exhaust, at large expense and with long hauls in transportation, the ores that lie in the interior of our own country.

For these reasons, which I will probably amplify as I go forward in the consideration of the proper duty upon pig iron, I have in the amendment which I shall presently offer placed iron ore upon the free list. I do not believe that any possible reason can be given for attaching a duty to its importation, except that it might raise and would raise a small revenue; but as I am not looking at this subject primarily from the standpoint of the revenue I have ventured to put it upon the free list.

I come now to pig iron, and I shall devote a good deal of time to pig iron, because it is the great basic material upon which the iron and steel industry of the country is founded, and as my amendment begins its duties at this point, I intend to digress just long enough to make some brief but general observations upon the Republican rule for the ascertainment of duties.

Broadly speaking, the system of protection intends—and I want my Republican friends to listen to and carry with them this statement—broadly speaking, the system of protection intends to so burden importations that our markets can be supplied with domestic productions with fair profit to the producer. If anyone dissents from that general statement of the doctrine of protection, I would be glad if he would dissent now, because it is upon that foundation that I build the fabric which I shall offer to the Senate in this amendment.

Every thoughtful—I emphasize the word "thoughtful"—every thoughtful Republican recognizes that there are certain limitations in the application of the doctrine. I state these limitations in this way: First, that it must be restricted to those things which we are naturally fitted to produce and respecting which our inability to sustain free competition with the world is due to a higher labor or a higher capital cost. Second, that it can not be applied to protect inefficiency—and that I shall also amplify presently as I come to deal more in detail with this subject. It is impossible for the Republican Party to long maintain the system of protection if it be intended or used for the purpose of protecting the inefficient against the inroads or the rivalry of the efficient, nor can it be used for the purpose of maintaining or sustaining industries that are unfortunately or mistakenly mislocated. We can not burden the commerce of the country in the effort to maintain industries that are not so situated that they can avail themselves of the natural, the essential economies of the time. Third, it can not be applied to protect great disparity in the cost of transportation. There comes a time when we must cease our efforts to equalize the difference in the cost of transportation when that difference is very great.

No more vivid or pertinent illustration of the limitations upon the doctrine of protection can be found than in lemons. I thought of that because I happened to be looking directly at the Senator from New York [Mr. ROOT], who, in 1909, made so gallant a fight to prevent the increase in the duty upon lemons. We can not maintain a duty on lemons that will enable that commodity to pay a freight rate across the American Continent and supply the citizens of New York. It is impossible for us to ignore the economic reasons which require that territory to take a part of its supply of this commodity from a land that can reach New York at a freight rate less than one-half,

possibly one-fourth, of the freight rate from California to New York. We must do what we can fairly and reasonably to cover the disparity in the cost of transportation, but I think there is no Republican who will claim that we must, in order to produce a commodity in the United States, give to that commodity such protection as will, under all conditions, equalize freight rates where the difference is great.

There has been a good deal of criticism—and I speak of it now as coming from the other side of the Chamber and from other sources—upon the definition of the doctrine of protection as contained in our last national platform. I believe that, technically, these criticisms are well founded, but substantially they are without merit. In 1908 we said:

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries.

Technically and literally the platform presents a standard which is impossible of ascertainment or application. There are as many different costs of production in the United States as there are different plants or industries engaged in the production of a particular article. The cost of the article at one period of the year varies from the cost of it at another period of the year; the cost of the article varies according to the volume of the business of which it is a part. It is mathematically utterly out of the question to apply the difference between the cost of production here and abroad, for the reasons stated, and, further, because the same variety with regard to the cost of production will be found abroad as is found at home. As an illustration, pig iron, which I will presently discuss, varies in this country as much as $2 a ton in cost of production. Take wool, and, as shown by the report of our Tariff Board, it varies in the cost of production from less than nothing, with a large credit, indeed, to its production, to 19 cents a pound or more. It is apparent that no mere mathematician can take the statistics and create out of them a rule by which he can measure tariff duties. We forget sometimes, when we are clinging to the literalness of this rule, a further statement in the Republican platform of 1908. It is this:

> The aim and the purpose of Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wageworkers of this country, who are the most direct beneficiaries of the protective system.

As illuminated, as interpreted, by the phrase which I have just read in your hearing, the previous definition becomes altogether understandable and altogether easy of application. Therefore the criticism of our definition, of which I have heard so much, is rather technical than substantial. But what we intend to do and ought to do is to put such a duty upon the various articles that we are fitted to produce as will enable our manufacturers, living as they do, paying the wages they do, to enter our markets and there dispose of their commodities at a fair profit; and so understanding the doctrine of protection, I turn now to pig iron.

But before I enter upon the details of the process of producing it or the cost of producing it I want Senators to look at the map which has been hung upon the wall in order to better understand the part which transportation plays in the problem of protection.

This map contains a cross near the center of Indiana east and west and toward its southern border north and south, which is intended to mark the center of population of the United States. You all understand that there are as many people south of that line as north, as many people west of that line as east. There is as much steel and iron—more steel and iron—used in the United States west of a line drawn north and south through the center of population than there is used east of that line.

I have a very interesting table upon that point, which shows one phase of the consumption of iron and steel. I have here a table which shows the railway mileage of the several States in 1910. It shows that the States lying west of the center of population—and I have given the East the benefit of all territory that can not be divided; I have given the East the benefit of Indiana and the benefit of Alabama—it shows that lying west of the center of population there are, or were at that time, 142,597.04 miles of railway. Lying east of the center of population there were 97,841.8 miles of railway. I instance this simply to show that the one enterprise which is the largest consumer and user of steel and iron in our country has for its greater field the western territory.

Mr. President, I ask that the table to which I have just referred, and which I believe is authentic, be inserted in my remarks.

The PRESIDING OFFICER (Mr. BOURNE in the chair). Without objection, it is so ordered.

The table referred to is as follows:

West.	Miles.	*East.*	Miles.
Arizona	2,097.31	Alabama	5,226.16
Arkansas	5,305.51	Connecticut	1,000.14
California	7,771.89	Delaware	334.81
Colorado	5,532.56	Florida	4,431.54
Idaho	2,178.63	Georgia	7,056.49
Illinois	11,878.34	Indiana	7,420.14
Iowa	9,754.68	Kentucky	3,526.21
Kansas	9,006.88	Maine	2,248.06
Louisiana	5,553.74	Maryland	1,426.45
Minnesota	8,668.60	Massachusetts	2,115.21
Mississippi	4,506.16	Michigan	9,021.13
Missouri	8,082.74	New Hamshire	1,245.93
Montana	4,207.42	New Jersey	2,260.49
Nebraska	6,067.15	New York	8,429.77
Nevada	2,276.66	North Carolina	4,932.41
North Dakota	4,201.07	Ohio	9,134.46
Oklahoma	5,980.22	Pennsylvania	11,290.17
Oregon	2,284.69	Rhode Island	212.14
South Dakota	3,947.65	South Carolina	3,441.74
Texas	14,281.81	Tennessee	3,815.97
Utah	1,985.94	Vermont	1,100.48
Washington	4,875.21	Virginia	4,534.94
Wisconsin	7,475.21	West Virginia	3,600.99
Wyoming	1,644.89	District of Columbia	35.97
New Mexico	3,032.08		
Total	142,597.04	Total	97,841.80

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Has the Senator an estimate showing the amount in pounds of steel rails east of the dividing line and also west of the dividing line? The reason I ask is this: Most of the railroads in the East have a great deal heavier rail than the railroads in the West, and I started to collect figures showing that the difference in the weight of steel rails in the West and in the East would about balance as to weight; but I have not the complete information.

Mr. CUMMINS. I have not attempted even to estimate, and it would be an estimate largely, the relative weight of steel rails west of the center of population and east of the center of population; but the point I desire to make does not need any disparity between the consumption of steel East and West. It will be quite, I think, as apparent, if we assume that there is the same amount of steel used West as East.

Mr. SMOOT. I believe, from the answers I have already received, that that will be the case.

Mr. CUMMINS. This map further shows, and purely for illustrative purposes, seven cities, each marked with a red circle, at which the seven of the principal steel plants of the country are located. I do not want anybody to think that these are all the plants or even all the important plants, but for the purposes of the argument I am making I am content with showing the geographical location of the seven largest steel plants in the United States. The one farthest east is Bethlehem—the Bethlehem Steel Co.—the next is Baltimore, the next Harrisburg, the next Johnstown, the next Pitsburgh, the next Buffalo, then Chicago, and finally Birmingham.

The United States Steel Corporation has its largest plants at Pittsburgh and Chicago. I, of course, include Gary within the territory that I describe as Chicago, and a lesser plant at Birmingham, formerly owned by the Tennessee Coal & Iron Co., of which we have heard so much. The Pennsylvania Iron & Steel Co. has one plant at Harrisburg, and I think one at Baltimore. The Maryland Steel Co. has one at Baltimore. The Cambria Iron & Steel Co. has now and has had for many years a large plant at Johnstown, somewhat east of Pittsburgh. The United States Steel Corporation and the Jones & McLaughlin Co., another very large enterprise, are at Pittsburgh. The United States Steel Corporation is at Chicago and at Birmingham. The Lackawanna Iron & Steel Co. at Buffalo.

The freight rates upon pig iron from foreign countries to the eastern seaboard will average about $2 per ton. The freight rate varies much, as is true with all ocean carriage, but I state a very low average when I say from the furnace in any foreign country to the eastern seaports of our own country the rate is $2 a ton upon pig iron and rises, of course, with the different kinds of iron and steel as they rise in value.

I have had prepared for me by the Interstate Commerce Commission certain——

Mr. SMOOT. I have carefully collected the ocean freight rates from Great Britain and the north seaports to Boston, to New York, to Philadelphia, and to Baltimore on iron ore, pig iron, rails, billets, bars, plates, structural iron, sheets and tin plates, rods, wire, and tubular products, and I wish to say to the Senator that in speaking of pig iron the ocean rate from Great Britain and the north seaports to Boston is $1.50.

Mr. CUMMINS. I do not know where the Senator from Utah derives his information, and do not doubt that, taking it for a particular time, it may be correct. I reassert, however, that the average rate on pig iron from foreign countries—mark you, I do not speak now only of the ocean carriage, but from the furnaces in Great Britain and Germany and France to our eastern seaboard—will average $2 per ton.

As I was about to remark a moment ago, I have had prepared by the Interstate Commerce Commission sheets showing the freight rates upon all the heavy forms of iron and steel from our eastern border toward the West, and these sheets show not only the domestic rate—that is, the rate if the shipment originates in the United States, but the import rate as well—that is, the United States part of the rate if the article is brought from a foreign country. I ask, Mr. President, not to have these sheets inserted in the midst of my remarks, but printed as an appendix to the remarks, because I think they will be very useful and helpful to anyone who desires to investigate the matter in the future.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Without objection, the sheets will be printed as an appendix to the remarks of the Senator from Iowa.

(For the sheets referred to see Appendix.)

Mr. CUMMINS. Assuming that the $2 rate per ton, of which I have spoken, is correct (the Senator from Utah says a dollar and a half instead of $2), let us see what effect that rate will have upon our own production and distribution of iron and steel, and especially pig iron.

Beginning with $2 at the seaboard, the import rate upon pig iron to Harrisburg, including the $2 rate from abroad, is $4.40 per ton.

Mr. SMOOT. From where?

Mr. CUMMINS. From abroad to Harrisburg. I am speaking especially of English shipments, but what is true of them is likewise true of all the other ports of Europe, or substantially true. What does that mean? It means that a manufacturer of pig iron or any other steel product at Pittsburgh, desiring to ship his product toward the West—and nearly the whole country lies west of Harrisburg—begins with that advantage. I do not intend to disparage the eastern States at all, but it is still true that much the larger part of the United States lies west of Harrisburg. So an American producer at Harrisburg—that is to say, the Pennsylvania Iron & Steel Co., manufacturing pig iron at Harrisburg and shipping it to the West for any purpose whatsoever—begins with an advantage of $4.40 per ton, and even the most enthusiastic advocate of high duties does not assert that the difference in the cost of production at home and abroad is $4.40 per ton.

I go a step further west, and take the great manufacturing establishments at Pittsburgh, which I suppose produce and turn out more iron and steel than any other district in the world. I am dealing with pig iron, although what I say about pig iron, so far as the freight rates are concerned, is true of every other product. The United States Steel Corporation or Jones & Laughlin at Pittsburgh, wanting to ship pig iron to the West or ship any of the products of pig iron to the West, begin with an advantage or a preference of $5.40 per ton, and the English manufacturer of pig iron, in order to put himself upon even terms with the producer at Pittsburgh, must first pay $5.40 per ton before he can begin the voyage of business with our domestic manufacturer.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I think it would be fair to call attention to the fact that the freight rate from Pittsburg to Mobile, we will say, to-day, upon the pig iron is $6.72, or more than it is from Birmingham, England, to Mobile. The freight rate from Pittsburgh to New Orleans is $6.72.

Mr. CUMMINS. May I interrupt the Senator from Utah there? I do not want him to project a southern situation into the phase of the subject that I am now discussing. I will come to the South presently.

The PRESIDING OFFICER. Does the Senator from Iowa decline to yield?

Mr. CUMMINS. No; I do not decline to yield further, but I wanted to make that suggestion to the Senator.

Mr. SMOOT. Then I will take San Francisco. The freight rate on pig iron from Pittsburgh to San Francisco is $14 to-day.

Mr. CUMMINS. I understand that perfectly. And when the Senator from Utah assumes to put a duty on pig iron that will enable the producer of pig iron in Pittsburgh or Chicago to take it to San Francisco and pay $14.50 freight upon it and meet the German manufacturer of pig iron or the English manufacturer of pig iron there, who pays freight and a duty of $5 or $6, he is insisting upon a burden that the American people will not endure. I will come to the San Francisco situation presently.

Mr. SMOOT. I do not want the Senator to say that I am insisting upon that, because I am not. I am simply calling attention to the fact. I was going on to take up the San Francisco rate and go right through.

Mr. CUMMINS. If the Senator wants to ask any question, I will be delighted to answer it. I will come presently to the western situation and the southern situation, and in all probability I will make admissions that will be wholly satisfactory to the Senator from Utah; that is to say, I will not hesitate to make admissions that there are some parts of the United States that we can not cover with a duty upon pig iron without so enhancing the value of that commodity as to destroy the fundamental rights of free men to do business without undue restriction.

But I am going on now with this northern and western situation. I repeat that the great iron producers of Pittsburgh, when they are brought into competition with the iron producers of the Middlesborough district of England or the Luxemburg district across the Channel, have the advantage I have mentioned in all the shipments west of Pittsburgh until they reach the zone of water influence along the southern and the western shores of America. They have the advantage of $5.40 per ton, and there is no man in this Chamber or elsewhere who dare assert that the difference between the cost of producing this article here and abroad is one-half of $5.40 per ton.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. TOWNSEND. I am very much interested in what the Senator is saying, but I was wondering, when he speaks of a point in the western territory from Pittsburgh, if he can tell us what the import rate from Great Britain to that western point is—not to Pittsburgh.

Mr. CUMMINS. I am giving it to Pittsburgh.

Mr. TOWNSEND. I am not talking about Pittsburgh.

Mr. CUMMINS. I will go back. The table I have introduced shows all these rates.

Mr. TOWNSEND. Of course the Senator recognizes that the import rate from the seaboard to any point in the interior is much less than the domestic rate on the competing product.

Mr. CUMMINS. It is not so much less as the Senator may think; but I desire to remind the Senator from Michigan of the statement I made when I was attempting to define the limitations which must be put upon the doctrine of protection in order that it may be tolerable, and one of those limitations was that we can not protect an American industry against misapplied or ill-adjusted freight rates. There is no reason why a cargo of pig iron coming from England and landing in New York should be carried toward the West for any less rate by our railroads than though that cargo originated in New York. Whenever we impose upon the American producers of steel and iron the necessity for efficiency and activity and the assertion of their own rights, there will cease to be the difference to which the Senator from Michigan has just called attention.

Mr. TOWNSEND. I quite agree with the Senator on that. I was speaking about the fact that it existed.

Mr. CUMMINS. The fact is that if they were attempting to ship to the Missouri River as between Pittsburgh and the Missouri River and England and the Missouri River, there would be a difference of about $4 a ton.

Mr. SMOOT. No; the Senator is mistaken.

Mr. CUMMINS. I do not intend now, if I may suggest to the Senator from Utah, to inquire into all his calculations. I have made my calculations. I have that information from the Interstate Commerce Commission, and I must be permitted to rely on it during the course of my argument.

But if it were half of that, if the manufacturer at Pittsburgh had but $2 advantage over the manufacturer in England, would there be any pig iron shipped from England to the Missouri River or to Chicago? There is no pig iron shipped from abroad to any point that is beyond 50 or 75 miles west of the eastern border of the United States until you reach the western coast, where there is a small amount of pig iron brought in from China. There is not very much, but there is a small amount of pig iron brought in there, and there could be more

brought there, and I expect that there will be more brought there, because unless the Panama Canal is efficient in reducing the freight rate from our eastern seaports to our western seaports, we can not take pig iron or any other product of iron and steel across the American continent on our railways and compete with a freight rate of one-half or less than one-half the amount from England or Germany or France, and we ought not to attempt to do it. I now yield to the Senator from Utah.

Mr. SMOOT. I suppose the Senator recognizes the fact that the rate on pig iron or structural steel or any other commodity made by the mills in Pittsburgh has to find a market not only East but West as well. Is it not a fact that the manufacturer of rails or pig iron in Pittsburgh, in order to reach any of the North Atlantic ports, has a disadvantage as against the man who manufactures these articles in Birmingham?

Mr. CUMMINS. Most of them, yes; some of them, no; as I will presently show.

I have now, as it seems to me, demonstrated beyond any controversy whatever that we need no protection upon iron and steel to prevent importations from abroad to any part of the territory of the United States west of Harrisburg. I think that line might well be advanced 50 miles east of Harrisburg, but I take Harrisburg as a convenient separating line. Until we reach the Pacific coast there is no protection needed, and not one pound of iron or steel in heavy form could be introduced into that territory, even though a foreign government were to pay $2 a ton export bounty upon it.

Mark you, I am making a discrimination now between the heavier and cheaper forms of iron and steel and the more finely organized and manufactured forms of steel. We will reach a point finally where the cost of the article is so largely in excess of the cost of the material and where the value bears so little relation to the weight, that upon some of those articles without a duty our foreign competitors might get into the territory I have described. But as to the articles I am now discussing, they are as safe from invasion by any foreign producer as though they were surrounded by a Chinese wall and were guarded by all the military force of the country.

Now, I come to answer the question just put by the Senator from Utah with regard to shipments east. Taking Harrisburg again, the rate on pig iron, Harrisburg to New York, is $1.75 per ton. At times when England can import pig iron into the United States for $1.50 a ton, the Englishman would have an advantage of 50 cents a ton in New York. The rate from Pittsburgh to New York is $2.60 per ton, and if the average rate from foreign countries to New York is $2 a ton the foreign manufacturer would have an advantage of 60 cents per ton.

Mr. WILLIAMS. The Pittsburgh man would have the advantage?

Mr. CUMMINS. No; the foreign manufacturers would have the advantage of 60 cents per ton. To be absolutely candid about it, if the cost at the furnace abroad and at home is the same, and if we are ready to put a duty on pig iron and the subsequent materials that grow out of it that will absolutely protect, at all hazards and at all times, every inch of the territory of the United States, then we would be compelled to put some duty on pig iron. But in putting a duty on pig iron that under those circumstances will protect the port of New York, or the port of Boston, or of Baltimore, from foreign imports, we must lay a duty that rises so high, so far as the interior is concerned, that it becomes absolutely indefensible upon the doctrine of protection, as I understand it and as I have endeavored to state it during the course of these remarks. I simply want Senators to remember the barrier which transportation itself erects for the protection of the American producer as I go forward to consider the actual cost at the furnace of this material here and abroad.

Prior to 1912 the Commissioner of the Bureau of Corporations, Mr. Herbert Knox Smith, than whom there is no more intelligent and faithful public servant, made a most exhaustive and prolonged examination into the cost of the heavier articles of iron and steel in our own country. His examination consisted of the most thorough-going scrutiny of the books of the various iron and steel producers. There is no conjecture, there are no estimates. He reproduces what the iron and steel manufacturers themselves put down upon their books for their own guidance and their own information. I intend at this time to refer to the results of his investigation. There are many other sources of information, but I can not and I will not take up the time of the Senate by bringing into my remarks now all the investigations that have been carried forward upon this subject.

His report takes the period from 1902 to 1906. I have no doubt that immediately it will be asserted that conditions have changed since 1906, and that it costs more in the United States to produce these things than it cost then. I will give further attention to that before I close the debate upon this subject, but in order to allay any misapprehensions upon that matter I desire to read a single paragraph from the report to which I have referred. It is found on page 2, paragraph 6:

> That the costs for this period (1902 to 1906, inclusive) are substantially representative of present conditions is shown—

Says the author of the report—

> by a comparison of costs for a number of important selected plants for special products from 1902 to 1906, inclusive, and for 1910.

There is in this report a very careful showing with regard to the cost of the United States Steel Corporation alone, and that showing relates to the cost of that company for 1910 and a comparison of the cost for 1910 by that company with the cost for 1902 to 1906 verifies what Mr. Smith, the Commissioner of Corporations, says in the paragraph I have just read.

I assume that every Senator here knows in a general way the process of manufacture.

Mr. SMOOT. Is the Senator going to leave the question of cost?

Mr. CUMMINS. Yes; the question of comparative cost.

Mr. SMOOT. I will simply say to the Senator that Herbert Knox Smith's cost on pig iron is so near—within 1 cent a ton—of that which has been submitted by Mr. Schwab, Mr. John A. Topping, and others, that I certainly shall not make the statement that the cost is greater to-day than it was at the time Herbert Knox Smith made his report.

Mr. CUMMINS. I am deeply obliged to the Senator from Utah for the statement he has just made. I have heard it asserted a good many times here that the present cost is much greater than in former years, and I wanted to begin with a full understanding upon that point.

Mr. SMOOT. The only question in the difference of cost, as I have heard it stated, is that the ore to-day is not carrying as much iron as it did in 1902, and, therefore, carrying a less percentage of iron, of course, the metallic mixture of the pig iron or the steel rail would cost more. But, on the other hand, there are reductions that have been made which would about offset it, as far as the cost is concerned.

Mr. CUMMINS. And, aside from that, the mines of foreign countries are becoming exhausted just as our own are, and therefore I assume this reduced or lessened richness of the ore is true everywhere. The iron ore is brought to a furnace and there, with coke and fluxing material, is converted into pig iron by melting.

I know the Senator from Pennsylvania [Mr. OLIVER] doubts my scientific knowledge on this subject—and it is very much less than his own—but——

Mr. OLIVER. Mr. President——

Mr. CUMMINS. I know something about it and will try to describe——

The PRESIDING OFFICER (Mr. BRISTOW in the chair). Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. I simply want to disclaim any such idea. The Senator from Iowa, I think, is very thoroughly informed upon the different processes of the manufacture of what are generally considered the rougher grades of steel. I want to concede that to him, and I do so very willingly.

Mr. CUMMINS. Pig iron is used in two general ways. First, it is remelted and used for castings without any intermediate process. I do not intend this afternoon to refer to cast iron. Second, it is melted with proper injection of other metallic mixtures and is turned into ingots. These ingots are then rolled into the various forms of rolled steel. The ingot may be rolled directly into the steel rail; it often is. It may be rolled into billets, which in turn are rolled into structural iron or steel, or bar iron, or rods, or any of the various forms of which I shall speak.

I want the Senate to hold that general process in mind while I turn now to what has been shown by the United States itself, for on this matter and so far as the investigation is concerned, Mr. Herbert Knox Smith may speak for the United States or the executive department of the United States. He examined the books showing the production of 66,816,004 tons of pig iron, covering the period from 1902 to 1906. I do not assert it as being literally true, but that must be 75 or 80 per cent of the entire production of pig iron in this country during that period. It would be most interesting to read everything he has said about it, but I do not intend to take the time.

I call your attention to the first table, not the first table in his report, but the first table that refers to the subject that I am specially discussing. It shows the result of an examina-

tion of 66,000,000 tons and more of pig iron. He has divided pig iron into three classes. The first is the Bessemer pig. The second is what he calls basic iron, although I think he has somewhat miscalled it. Anyhow, what he means to classify there is the pig iron that has been made for what is known as the open-hearth process.

Mr. OLIVER. Mr. President, I know the Senator wants to be accurate, and I will correct him in that. Basic iron is pig iron made in exactly the same way as Bessemer, but of such composition as to be used in the basic process of the manufacture of steel as against the acid, open-hearth process.

Mr. CUMMINS. That is precisely what I attempted to say. I think the Commissioner of Corporations intends the 9,573,000 tons there to represent pig iron made for the open-hearth process.

Mr. OLIVER. No; pig iron made for the purpose of being used in the open-hearth process.

Mr. CUMMINS. I mean for the purpose of being used in the open-hearth process.

Mr. OLIVER. Yes; that is right.

Mr. CUMMINS. And the other classification is of southern ores of low grade in Alabama and that region.

Here is the cost that he gives us:

The net metallic mixture of the Bessemer pig is $7.30 a ton, of the basic pig iron $7.14 a ton, and of southern iron pig $2.35 per ton. That means the iron ore and the other metals that enter into the composition of pig iron.

The next is coke, limestone, labor. The labor involved in converting enough ore to make a ton of pig iron for the Bessemer process is 77 cents; the labor for the basic is 62 cents; and the labor in the southern pig is $1.23—that is, all the labor attending the conversion of iron ore into pig iron.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Now, I do not say that that is all the expense of converting iron ore into pig iron. I am speaking now of the labor of the furnace and about the furnace.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. About the only difference, I think, between the position I take and the position the Senator from Iowa takes is the question as to what is labor and what it amounts to.

Mr. President, on this particular matter I certainly hope I shall have a chance to prove to the Senate that instead of the labor that is in pig iron being as stated—and I will give the details of every part of it—it is $4.50 a ton. Of course, I would not attempt to take the time now, but the only difference between the Senator and myself on this whole question is as to what is the actual labor in taking the ore and making it into steel really.

Mr. CUMMINS. But, Mr. President, my friend from Utah, it seems to me, does not analyze this question as he should. Referring again to the table that we have just been mentioning, the cost of the metallic mixture is $7.32 for Bessemer pig. What does that mean? It means all the labor that was required to take that ore from the mine. It means the royalty which the company paid, or claimed to pay. It means the cost of transportation from the ore mine to the lake. It means the cost of transportation from the lake to the furnace. It means wages at the American price. It means more than that. This item of $7.32 includes not only all the high wages which the companies paid at the mines, or claimed to pay; it means not only the high wages of the employees of the transportation company; but it means all the profit which has been nominally derived in transferring the ore from the company which nominally mined it to the company which transported it and from the company which transported it to the company which used it in its blast furnace. That item of $7.32 includes all this labor and all this profit; and if you were to take the profit alone that is charged up to the mining company and to the transportation company from the item $7.32, you would reduce it by more than $2 per ton. Therefore I do not differ from my friend from Utah. I know that there is a great deal of labor in the item of $7.32; I know there is a great deal of labor in the item $3.89 for coke; but I am dissecting the report of the Commissioner of Corporations in order to show you what a ton of pig iron costs in this country as compared with the cost abroad.

Mr. SMOOT. Just one minute. The cost of that item will depend, of course, upon how they keep their books; as to where they charge each item. Now, I want to say——

Mr. CUMMINS. This table has all the items, anyway.

Mr. SMOOT. I think the items are the same as those the Senator has. This item of 77 cents, as reported by Herbert Knox Smith—and he claims that the cost is $14.01—under the esimate given by Mr. Schwab is $1.30; and yet the estimated cost of pig iron by Mr. Schwab is 1 cent a ton less than that given by Herbert Knox Smith. So I asked Mr. Schwab how he accounted for that, and he said it was merely a matter of how they kept their books. Some may say that Mr. Schwab has charged too much on this particular item of labor; but Mr. Schwab's ultimate result is a cent a ton less than that of Herbert Knox Smith. So that can not be.

Mr. CUMMINS. No matter whether Mr. Schwab and Mr. Herbert Knox Smith differ as to particular items or differ as to the result, without in the least saying anything disparaging of Mr. Schwab, I prefer to take the conclusions of an officer of the United States, selected to do this work impartially and fairly.

Mr. SMOOT. No; I do not think it would make any difference in the ultimate result because of that fact. It only means that that much more work is included in the other items because of the fact that the results both those gentlemen reached are exactly the same.

Mr. CUMMINS. The Senator from Utah, however, is very far from clear. He suggested a moment ago that the labor cost of pig iron was over $4 per ton. Of course the purpose of that suggestion was to instill into the minds of Senators the idea that if the labor cost here was twice as much as the labor cost abroad, there ought to be a duty on pig iron of at least $2.50 per ton. Therein his reasoning is very fallacious, as I have endeavored to show——

Mr. SMOOT rose.

Mr. CUMMINS. Just a moment—because in ascertaining the cost of pig iron in this country I have taken $7.30 as the cost of the metallic mixture, just as the Commissioner of Corporations did, and that includes all that the company which produced the ore paid for wages and all it paid for every expense of producing it. I have taken $3.89 for coke.

Mr. WILLIAMS. Plus their profits.

Mr. CUMMINS. And their profits; but I will come to that; I shall insist on the deduction of profit presently. But the item of $3.89 for coke includes all that was paid to the owner of the coal land for royalty, all that was paid for mining the coal, all that was paid for transporting the coal, and all that was paid for converting the coal into coke. Therefore I hope the Senator from Utah, seeing his error, will not suggest that in the table I have presented here it is necessary to allege that the labor cost of converting the iron ore into pig iron is more than 77 cents.

Mr. SMOOT. Why, Mr. President, I could not help stating that it is more because of the facts.

Mr. CUMMINS. Well, I give you up. [Laughter.]

Mr. SMOOT. I will state the facts as to the labor cost. Take what this $7.30 represents. The lease or royalty is only 25 cents, the mining is 82 cents, and the transportation from the mines to the Lakes is 67 cents. Those are the figures given by Herbert Knox Smith.

Mr. CUMMINS. Certainly.

Mr. SMOOT. The cost from the Lakes is 74 cents, to Pittsburgh 67 cents, the total transportation cost is $2.08, the general charges are only 16 cents on this, and that makes $3.31. It takes 1.97 tons of ore——

Mr. CUMMINS. I hope the Senator from Utah will not go into that subject. It is totally foreign to the question I am now discussing.

Mr. SMOOT. No; I am going to bring you to the $7.30.

Mr. CUMMINS. I do not need to be brought to it. It is in the report, and there it must stay.

Mr. SMOOT. We are discussing the question of what represented labor.

Mr. CUMMINS. I am discussing the question of how much it costs to produce a ton of pig iron, and we find it costs $7.30 for its ore.

Mr. SMOOT. I can tell the Senator exactly what it is.

Mr. CUMMINS. I know. I do not need to ask the Senator from Utah.

Mr. SMOOT. The Senator from Iowa says it is 77 cents.

Mr. CUMMINS. That is the cost of converting iron ore into a ton of pig iron. The labor cost—the wage cost—is 77 cents.

Mr. SMOOT. Well, of course——

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. BACON. I simply want to suggest, Mr. President, that this is a very interesting subject, and we are very much interested in the Senator's address. I should be very glad if we could hear him continuously, and then we shall be equally glad to hear the Senator from Utah continuously. We could

appreciate it very much better than we can in this interjected way. Frequently the conversation is between Senators who are standing near each other, and we can not hear it. I do not, of course, want to interfere in any way, but I should be very glad to hear each of the Senators continuously in a consecutive way.

Mr. CUMMINS. Mr. President, there is really no difference between the Senator from Utah and myself with regard to this. It is merely the way of stating it. He desires to separate from the beginning to the end all the processes of labor from all other costs. He might just as well say that all of the $14.01, the cost of producing Bessemer pig iron, is labor. In one sense it is all labor. As I remarked the other day, if we could conceive a world uninhabited, with its resources unused, it would be impossible to impute to anything in such an earth any value whatsoever. Men must come and perform some labor upon these materials and create some demand for their use before there is anything of value, but if I could paint upon the mind of the Senator from Utah the picture of a blast furnaceman and hold it there, I tell him again that I am trying to find out what it costs him to convert iron ore into pig iron, and I restate that it costs him, if he desires to make Bessemer pig, $7.30 for the metallic contents of his ton of pig iron. It costs him $3.89 for his coke. In both those cases there is included every cent that the men who produced the ore or the men who produced the coke paid for the labor and paid for every other thing necessary to that production. To his men who took the iron ore and converted it into a ton of pig iron he paid 77 cents, and no more; other operating expenses, and by that is meant the general expense of the furnace, 87 cents; so that the furnace cost is $13.26 for the Bessemer pig iron and for the southern pig iron it is $9.52.

You will observe that below the general furnace cost there has been added 75 cents per ton in the one case and 13 cents in the other for what is termed "additional cost." Now, let us see if we agree on what the additional cost is. The additional cost, as added by the Commissioner of Corporations, is largely for depreciation. I want the Senate to know precisely what the commissioner says about that part of the cost.

On page 24 of this report the commissioner says:

> The items of additional cost derived from the profit and loss accounts can not be allocated except by more or less arbitrary methods of apportionment. They comprise the items of general expense and depreciation.

I especially want Senators to remember now that the 75 cents per ton on Bessemer pig includes the items of general expense and depreciation. That will be especially important when I come to refer you to a similar table with regard to the cost of making pig iron in England, where those items are not included in the estimate or in ascertaining the cost of making pig iron.

Therefore we have those costs that you see before you [indicating] in the United States, and they are the average costs. They are not taken from the large companies alone nor from the small companies alone, but from substantially all of the companies of the United States which make pig iron, and I think it absolutely fair if we assume that in our country the items there shown represent the reasonable costs of this production.

I remind you again that the total includes, first, the profits of mining ore; second, the profits of transportation, as the table itself shows; third, the profits of coal mining and coke conversion; fourth, the profits of coal transportation if the company which manufactures the pig iron owns the transportation company; fifth, all operating and maintenance expenses; and, sixth, general expenses and depreciation. All these items are in this table added to the cost of material and labor, and the total is, as you see, $14.01 for Bessemer pig iron and $9.65 for southern pig iron, the great distinction between the two qualities being that one is mainly used for casting and the other for steel rolled products.

I now beg your attention to a corresponding table, which I am sorry I have not reproduced so that you could see it. The table itself is found in the report of Charles M. Pepper, a special agent of the Department of Commerce and Labor, of his investigations in respect to the cost of making pig iron and other iron products abroad, and especially in England. Now, my Republican friends, at least, will not, I think, question the capacity of Charles M. Pepper to make such an investigation. He is, in the first place, a man of many, many years of experience. He was chosen by the present administration for the performance of one of the most delicate and one of the most difficult duties ever imposed upon a citizen of the country with reference to the late lamented reciprocity agreement with Canada. He stands deservedly at the head of men of his occupation, and I therefore submit what he has brought to the people of the United States for their guidance with the utmost confidence. He was commissioned by the Department of Commerce and Labor to inquire into this subject, and on the 2d day of April, 1909, he made a report that was intended as a guide for the Finance Committee in the preparation of the act of 1909, but which, I am bound to say in defense of Mr. Pepper, was not very influential in the deliberations of that committee.

I will read these costs so that you may know them. The pig iron is divided into two classes—the first called Cleveland pig iron, which is the product of a general district there, and, I think, largely called "Cleveland," because certain commercial warrants, which are current in England and which pass from hand to hand very much like commercial paper, are called "Cleveland warrants," although the pig iron itself may have given the name to the warrants—I am not sure about that—but, anyway, it is pig iron produced in the Middlesborough district, and it corresponds to the southern pig in our country, as you will see presently when I introduce a sheet which will show the prices of pig iron in this country and abroad during the last year or more.

The other kind of pig iron referred to here is what he calls "hematite," made from hematite ores that are largely imported into England and the pig iron produced from which corresponds to the Bessemer pig, which commands the highest price in the United States. Mr. Pepper reports that the cost factors are as follows: Iron ore, $3.89—that is for the Cleveland pig—and $6.20 for the hematite pig.

I pause there simply to say that the reason our metallic cost is higher apparently than the cost abroad is that in the figures which I have placed before you there are included the profits of the companies which are separated only by name, but which are credited with profits in the course of the transaction of the business of the integrated company.

The coke in the case of the Cleveland pig iron costs $3.89, and in the case of the hematite pig iron, $5.10—a very great advance over our cost for coke. "Limestone, 36 cents in the one case and 32 cents in the other. Wages"—and I think Mr. Pepper is perhaps more happy in the description than Mr. Smith, because he defines just what he means—"wages at furnace for the Cleveland pig, 91 cents a ton"; with us it is $1.23 a ton in Alabama; "and for hematite pig 97 cents a ton"; with us it is 77 cents a ton. The labor of converting ore into Bessemer pig in our country is 20 cents a ton less than the cost of converting the same kind of ore into the same kind of pig iron in England.

Now, it matters not about the wages. I am happy to believe that we pay more here than they do there, and, so far as I am concerned, I will always stand for a duty that will lift the wages of the men of the United States, but I do not want a duty based upon a false pretense, for in England, as you see by this report, the cost of taking these ores after they are delivered at the furnace and converting them into a ton of pig iron is 20 cents a ton more than in the United States. If anyone attempts to sustain a tariff duty on pig iron upon the assumption that it costs more to turn the iron ore into pig in the United States than in England he will be compelled first to overturn the report of Mr. Pepper, made after the most careful investigation.

I will not read all the remaining items, but I will read the last one alone, in order that the Senator from Utah, who may have this report before him——

Mr. SMOOT. I have it.

Mr. CUMMINS. Will be reminded of it. The last item is fixed charges, including relining and repairs, 55 cents in the one case and 56 in the other.

The result of this showing by Mr. Pepper is that in the case of Bessemer pig iron the cost abroad is $13.45 a ton and the cost of the parallel to our southern pig iron is $9.92 a ton.

Mr. SMOOT. From what page has the Senator been reading?

Mr. CUMMINS. Page 10. This, Senators, is the result of, I assume, as careful and complete and thorough an investigation as was ever made into the subject. Standing just exactly as the tables now stand, without any further examination at all, it would appear that the cost of Bessemer pig iron in the United States is 56 cents a ton more than abroad and that the cost of producing the lower grade of pig iron is 27 cents a ton more abroad than in the United States, but all this without taking into account what it costs the man abroad to bring his product to the United States.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator is making a very interesting statement. Could the Senator explain how, in view of

the fact, which the Senator concedes, that we are paying a higher rate of wage in this country than is paid in Europe, we are producing that particular product at a less cost than they are producing it abroad? Have we better facilities or better methods?

Mr. CUMMINS. The explanation is not difficult. I think it is because our material does not cost us as much as it does the producer abroad.

Mr. GALLINGER. Ah, that is all I wanted to know. I wanted to know exactly where the difference came in.

Mr. CUMMINS. That is one of the reasons, at least. There is another reason, and that is, although possibly it is not so much true of pig iron as of many other products, our superior skill in the use of machinery.

Mr. GALLINGER. That is the point which I thought it likely the Senator would bring out. That, to some extent, explains it.

Mr. CUMMINS. I do not think that that applies so fully to pig iron as it does to some of the other products of steel; but the great difference is the difference in the cost of material.

Mr. WILLIAMS. Mr. President, I want to ask the Senator a question there. In the calculation of cost of English hematite pig iron at $13.45, is there an item included corresponding to the item of additional cost for depreciation?

Mr. CUMMINS. There is not. I was about——

Mr. WILLIAMS. So that if that item were included the difference would not exist, would it?

Mr. CUMMINS. I was about to show what items are to be taken out of our table here in order to make it entirely parallel with the table abroad, and you will be, I think, somewhat surprised—I was about to say gratified—to discover that we are making pig iron in the United States for a great deal less than they are making it abroad; and if we loose a little in the basis for protective duties, we ought to supply that loss with increased pride in the American name.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I now yield to the Senator from Utah.

Mr. SMOOT. I was going to ask the Senator what goes into the manufacture of pig iron that is cheaper in this country than abroad? Commencing, now, with ore; the ores from Spain are delivered in England and also in Germany, where there is no transportation inland, at a lower rate than ores are delivered to any steel mill in the United States.

Mr. CUMMINS. I do not agree with the Senator from Utah about that. I assert that ore at the furnace in the greater part of Europe is higher than ore at the furnace in the United States; I assert that coke, or the fuel used in converting ore into pig iron, is much more expensive abroad than it is at home. If the Senator from Utah will permit me, my eye has just fallen upon what Mr. Pepper has said with regard to ore in England.

Mr. SMOOT. On what page?

Mr. CUMMINS. I am now reading from page 11. He heretofore says that England uses 50 per cent of imported ores.

Mr. HITCHCOCK. Is it a Senate document from which the Senator is reading?

Mr. CUMMINS. It is Senate Document No. 42, Sixty-first Congress, first session.

Mr. SMOOT. It is also House Document No. 1353.

Mr. CUMMINS. I repeat that about one-half the ores that are used in England are imported ores, and this is what Mr. Pepper says with regard to that subject:

> The prices of foreign ore were lower—

He is now speaking, I suppose, of 1908—

> The prices of foreign ore were lower than in 1907, when as high as 25s. ($6.08) per ton had been paid for Spanish ore—

And nearly all the ore that England imports comes from Spain.

> In 1908 the range of prices for rubio ore—

That is Spanish ore—

> at Middlesborough was from 14s. 9d. ($3.58) to 16s. 6d. ($4.01). In December it was an even 16s. ($3.89).

That is per ton.

There is much more in this report of like tenor.

Mr. President, the highest price that is claimed for ores from the Lake region at the Lake ports, including all the profits of the mythical ore companies, is $2.64 a ton.

Mr. SMOOT. Oh, no.

Mr. CLAPP. That is wrong.

Mr. CUMMINS. And the iron content of the Lake-region ore is much higher—there is a greater percentage than the iron content of the Spanish ore. Therefore I assert, and I will prove it—I did not suppose it would be contested—that on an average, after eliminating the general subject of profits of ore companies which do not exist in fact, that the ore at the furnace in the United States costs a great deal less than at the furnace abroad.

Mr. SMOOT. Herbert Knox Smith's report shows that the ore costs $3.31 instead of $2.40; and not only that, but the Senator must understand that there are ores from Spain imported into this country; and why are they imported?

Mr. CUMMINS. I will tell you why they are imported. Aside now from some ores that may be imported because we have no like ores in the United States and must import them, ores are imported because of the tremendous cost of transportation from our ore-producing regions to the eastern manufacturing localities.

Mr. SMOOT. The total transportation charge, according to Mr. Herbert Knox Smith, is $2.08, and yet the ores from Spain are imported into this country.

Another thing—the cost of transportation of ore from Spain to England and to Germany is but a very, very small part of what it costs from the mines of the Northwest to Pittsburgh or to Harrisburg or whatever eastern point it may be. And so, also, if you will take the English ores and find the metallic content of the ore that is shipped from Spain you will find that the metallic content is a great deal higher than the metallic content of our ores from Michigan to-day.

Mr. CUMMINS. I am relying upon Mr. Pepper. I have never analyzed the foreign ores, and I must accept what the authorized agent of our own Government has reported with regard to that subject.

I recall the attention of the Senator from Utah, however, to the report of Mr. Smith. He has just said that Mr. Smith reports that the cost of ore is $3.81.

Mr. SMOOT. No; $3.31.

Mr. CUMMINS. $3.31. If he will turn to page 16 of his report—table 2——

Mr. SMOOT. I have not that report. I have the other report.

Mr. CUMMINS. He will find for 106,268,728 tons of ore the following result:

	Cost per ton.
Labor	$0.45
Other mining	.37
Royalty	.25
Cost at mine	1.07
Rail freight	.67
Lake freight	.74
Cost lower lake ports	2.48
General charges	.16
Total book cost	2.64

Mr. SMOOT. If the Senator will add those figures up he will find it is more than that price.

Another thing: I followed him exactly down to the lower lake ports——

Mr. CUMMINS. You are disputing this report, as I understand it. You are not disputing me, but you are disputing Herbert Knox Smith, because I have just read his figures, unless there is a mistake in the addition.

Mr. SMOOT. He said $3.31, as I quoted it.

Mr. CUMMINS. There are a great many places for getting ore in the United States as well as abroad, and I concede that you can get a locality where it will cost $3.31, but I am now giving the cost of the ore from the greatest iron-producing region of the country, which produces, I suppose, more than 80 per cent of all the iron ores that are used in the United States.

Mr. SMOOT. I was using the figures that the Senator used to get his $7.30 metallic mixture. Those are the figures I was using.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr CUMMINS. I do.

Mr. OLIVER. In this there is not included any rail freight from the lower lake ports to the furnace.

Mr. SMOOT. That is where——

Mr. CUMMINS. I expressly excluded that.

Mr. OLIVER. I wanted to call attention to that fact. I understand the Senator did not. But to get the cost at the furnace there must be added for the Pittsburgh district 96 cents a ton on the ore.

Mr. CUMMINS. At Pittsburgh that is true; at Chicago it is nothing.

Mr. OLIVER. No; at Chicago it is nothing.

Mr. CUMMINS. At Cleveland it is nothing.

Mr. OLIVER. But a large proportion of the pig iron that is made in this country is made at some point where there must be transportation from the lower lake ports to the furnace.

Mr. CUMMINS. The commissioner says in that respect:

The average book cost of lake ore at lower lake ports during the five years, 1902 to 1906, was $2.64 per ton.

I reassert on all the evidence before us, in answer to the question put to me, that the reason why we produce pig iron cheaper than it can be produced abroad is that our ore costs us less, our coke costs us less, and the item of labor is almost negligible, because it is done in such measure by machinery.

I return now to the point from which I was diverted, to compare these two tables as they ought to be compared. I take the item of $14.01 as the cost of Bessemer pig. According to that table, without including the transportation profits, the profits on the metallic mixture and on coke amount to $1.79 per ton.

Mr. SMOOT. That is speaking, I suppose, of the United States Steel Corporation, who make their own coke and their own limestone and have their own transportation?

Mr. CUMMINS. No.

Mr. SMOOT. That happens with the United States Steel Corporation, but what about the independent manufacturer who has no transportation facilities?

Mr. CUMMINS. The Senator is in error about that. The profit to the United States Steel Corporation is quite a good deal more than the sum I have mentioned.

Mr. SMOOT. How would an independent make any profit out of transportation if he had to pay the rates charged, or how could he make any profit if he had to pay his royalty? He could not make any profit out of those items.

Mr. CUMMINS. I expressly said awhile ago that the $1.79 I proposed to deduct from the $14.01 in order to reach the real American cost did not include the profits on transportation. I know that there are many companies that do not own railroads, and therefore they must pay the cost of transportation, but there are very few companies of any magnitude which do not take their ore from the bed or which do not perform all the processes, except transportation, from the mine to the finished product, whatever it may be.

Now, I call attention to what our Government says in that respect—about the $1.79. I am reading from the letter of submittal on page xiii:

Many of these companies—

Speaking of those he had examined—

were highly integrated; that is, they linked up under one control, through various subsidiaries, ore mines, blast furnaces, steel works, etc. Their "cost sheets," however, did not correspond with this integration. The cost of each subsidiary was shown as though it were independent, and included profits paid to other subsidiaries.

To illustrate, one subsidiary of a combination operating blast furnaces would pay to another subsidiary which mined ore a price for ore that included a profit to the ore company. This price would, however, be entered by the furnace company as a part of its costs. That is, they were "book costs," and they included considerable profits really received by the same interests.

All those have gone into our American table to find the cost of pig iron.

These immediate profits are very important. For example, the average "book costs" of Bessemer pig iron over the five-year period was $13.80 a ton. "Transfer" profits were $1.79, leaving a cost of $12.10.

In further answer to the Senator from Utah, I will say that a very large part of the production of pig iron is carried on by companies which take their ore from the beds and carry on the processes under the same management; and this investigation of the commissioner covered all these companies, as well as some which were not so large.

Now, then, deducting $1.79, which constituted no part of the cost of pig iron, and the result is, with regard to Bessemer pig, that it costs in the United States $12.22 a ton; and deducting a less amount from the southern pig, because the operation there is not so highly integrated—deducting a dollar—the cost would be $8.65 a ton; and the results are that Bessemer pig abroad costs $13.45 a ton, at home $12.22; the southern pig abroad $9.92, at home $8.65. But that is not all.

Mr. SMOOT. Before leaving——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I should like to call the Senator's attention to the report just read about "book costs" and intercompany profits. If he had continued reading that report he would have found that Mr. Herbert Knox Smith makes this statement, following the very place where the Senator stopped reading:

The bureau deducted these intermediate "transfer" profits for all the important simpler products. The resulting "revised cost" must, however, be handled with great caution.

Mr. CUMMINS. I am handling them with great caution.

Mr. SMOOT. I see the Senator is.

Mr. CUMMINS. And so is the Senator from Utah.

Mr. SMOOT. Yes. I want to be perfectly frank in this matter, because I think the Senator has stated there every single item as stated here, and has taken nothing into consideration on the other hand, and I do not believe he wants to do that. Mr. Herbert Knox Smith says here:

The margin between this revised cost and the selling price is, of course, much larger than the margin over the "book cost"; but, on the other hand, that larger margin must cover all the stages of production and therefore a much larger investment. The profit above the "book cost" of a subsidiary is to be applied simply to the investment of that company.

It is a cost; there is a depreciation on machinery, and the extra handling of the ore; and they caution you not to take the $1.79.

Mr. CUMMINS. I do not understand the caution of the Commissioner of Corporations in that way. In dealing with these reports, I, of course, have neither exaggerated nor diminished them. I am taking them precisely as they are. When we come to determine how much duty should be laid upon pig iron in order to cover these rather vague and uncertain matters referred to by the Senator from Utah, that is another thing. But I am coming first to a demonstration of what it costs here, as compared with what it costs abroad, to manufacture pig iron, and I have so far, upon unquestioned statements, if the accuracy of our Bureau of Corporations be granted, reached the conclusion that in our country we make Bessemer pig for $12.22 a ton, and southern pig for $8.65, and that abroad it costs $13.45 in the one instance and $9.92 in the other.

Mr. SMOOT rose.

Mr. CUMMINS. But that is not all, if the Senator from Utah will permit me.

In the English table of costs there is no charge for either general expense or depreciation. In our table there is a charge for general expense and depreciation, and the item of additional cost, which in our table covers general expense and depreciation, in order to make the two tables parallel and cover the same items, ought to be eliminated. If 50 cents were added to the cost abroad to cover the same element of cost that we have in this item of 75 cents, the foreign cost would be $13.95 for Bessemer pig and $10.42 for the Cleveland pig.

Mr. BACON. If the Senator is about to pass from that immediate branch of the subject, I should like for him to give an explanation as to why it is that the labor cost in the southern iron is very much greater than the labor cost in the two other grades of iron.

Mr. CUMMINS. The principal reason is that the southern ore is a very low grade of ore and requires a great deal more labor to take it from the mine and carry it to the blast furnace and convert it into pig iron than the ores which run so much higher in iron content.

Mr. BACON. It is the difference in the character of the material, is it?

Mr. CUMMINS. And possibly a little in the superior equipment of the northern blast furnaces.

Mr. BACON. Does the Senator attribute it in any degree to the different character of labor?

Mr. CUMMINS. I do not. I have not——

Mr. BACON. I am asking for information. It is not arguendo.

Mr. CUMMINS. I certainly understand that, and I have no other information upon the subject than is found somewhere in the commissioner's report. He explains it on page 23:

For southern pig iron the cost of coke per ton of pig iron was very high—namely, $4.48—not so much because the price of coke at the furnace was high—only $2.54 per ton with very little freight expense or transfer profit included—but because an exceptionally large quantity was required to melt the low-grade southern ores, namely, 3,523 pounds per ton of pig iron.

And again:

The labor costs for Bessemer pig iron averaged somewhat higher than for basic; this was probably due to a greater average size and efficiency of equipment for the basic furnaces. The labor costs for southern pig iron were very much greater than for either Bessemer or basic pig iron. The chief reason for this probably was that the southern furnaces, on account of the low grade of the ore, required the using of a much greater quantity of materials in the furnace per ton of product. Thus for the production shown in the above table the average quantity of ore, coke, and limestone per ton of pig iron in the Bessemer and basic furnaces combined was 3.36 tons as against 4.53 tons for the southern furnaces, or 34.8 per cent more for the latter. Other factors account-

ing for the high labor cost of southern pig iron were smaller and less efficient furnaces and the lower efficiency of labor itself.

This is the explanation given by the commissioner.

Mr. BACON. With the permission of the Senator from Iowa, I should like to ask one other question.

I notice that the additional cost in each of the several grades is in inverse order from that of the labor cost. Whereas the labor cost in the southern iron is with the highest, the additional cost in the southern ore is the lowest. Can the Senator give any explanation of that fact?

Mr. CUMMINS. I can not give any original suggestion. It is explained by the commissioner in his report, though I doubt whether it is wholly satisfactory.

Mr. OLIVER. I would suggest that this same question occurred to my mind, and that item of $1.19 in the southern column would probably include a part of what is included in additional cost in the other two. It is a matter of different kinds of bookkeeping.

Mr. BACON. I notice that the two items together, other operating expenses and additional cost, in each case make pretty near the same amount, carrying out the suggestion of the Senator from Pennsylvania.

Mr. CUMMINS. I have now concluded my general review of the relative costs of producing pig iron in the United States and abroad, but I fortify——

Mr. TOWNSEND. If I understood the Senator correctly, he said that the labor cost entering into a ton of Bessemer iron was negligible, owing to the fact that so much of the work was done by machinery. Is that exceptional to the United States?

Mr. CUMMINS. Oh, no.

Mr. TOWNSEND. Is the machinery used here about the same as that used abroad?

Mr. CUMMINS. I am not able to say from any personal investigation, but I assume that our blast furnaces are somewhat better than the blast furnaces used abroad, simply because all our appliances for production in the United States are better than they are abroad. That possibly may not be accurate in every respect, but it is so nearly true that it may be stated as a general proposition.

Mr. OLIVER. As a general proposition our modern furnaces are much larger; they handle a very much greater amount of product and turn out a greater product per day, and in that respect are better equipped than the older furnaces abroad. But the manufacturer abroad in reconstructing their furnaces are gradually coming up to our standard of efficiency.

Mr. CUMMINS. I have demonstrated, I think, that if these reports are to be accepted as even approximately correct the cost of producing pig iron in the United States is lower than in other countries of the world; and that, although the difference is not great, whatever it is is with this country. I fortify that conclusion by a table which is presented to us by the Commissioner of Corporations, which shows the results of an examination of the books of the United States Steel Corporation for the year 1910. I will not read these items, but it is sufficient to say that, excluding the intermediate or transfer profits of this corporation, its cost for the production of pig iron for the year 1910 was: Bessemer pig, $9.71; southern pig, $8.57. That is so much lower than any suggested foreign cost that you may add to what is generally supposed to be the advantage of the Steel Corporation over other producers $2 per ton; and still we will have a cost less—or at least not greater—than the cost in our rival countries. Therefore, upon this great basic material, which is the beginning of all the iron and steel products, we need no duty whatsoever to measure the difference between cost abroad and at home. Even if we disregard the advantage we possess in the matter of transportation, we would need no duty upon this material.

I have devoted a great deal of time to it, Senators, not so much because of its intrinsic importance, but because I want to show that in the subsequent processes of the conversion of iron and steel into the various forms in which they are used it would be indefensible to add anything in the way of a compensating duty—that is to say, to put any duty upon any iron and steel product upon the hypothesis that the basic material costs more in this country than it costs abroad. I reckoned that, this being the first step in the ladder which leads up to the highest duties, it was of vital importance that we should understand whether in attaching the duties to these various commodities as we go forward we must allow anything on account of a higher cost of pig iron in this country than abroad, as we know that we must do when we come to put duties upon the manufactures of wool and other like things.

I ask, Mr. President, to insert as a part of my remarks the three tables to which I have recently referred and upon which I have commented.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The tables are as follows:

Average book costs per gross ton of specified kinds of pig iron, showing furnace cost as given in the cost sheets (including intermediate profits), together with "additional costs" (derived from profit and loss accounts), 1902–1906.

Items.	Bessemer iron.	Basic iron.	Southern iron.
Tons produced	51,902,099	9,573,539	5,339,766
Net metallic mixture	$7.30	$7.14	$2.35
Coke	3.89	3.30	4.48
Limestone	.43	.47	.27
Labor	.77	.62	1.23
Other operating	.87	.77	1.19
Furnace cost	13.26	12.30	9.52
Additional cost	.75	.52	.13
Total cost	14.01	12.82	9.65

Cost factors.	Cleveland.	Hematite.
Iron ore	$3.89	$6.20
Coke	3.89	5.10
Limestone	.36	.32
Wages at furnace	.91	.97
Stores, loose plant, etc	.16	.14
Bricks, clay, and boiler coal	.16	.16
Fixed charges, including relining and repairs	.55	.56
Total	9.92	13.45

Comparison of steel corporation's integration furnace cost per gross ton for Bessemer, northern basic, and southern pig iron, as shown by the records of the corporation, for 1910.

Items of cost.	Bessemer (6,269,534 tons).[1]	Northern basic (4,543,177 tons).[1]	Southern (585,273 tons).[2]
Net metallic mixture	$4.95	$5.28	$2.88
Coke	3.30	3.31	3.80
Limestone	.41	.48	.19
Labor	.55	.56	.75
Other operating	.50	.46	.95
Furnace cost[3]	9.71	10.09	8.57

[1] Integration cost (exclusive of any return to investment on any anterior stage of production or transportation).
[2] Book cost (which does not include any intermediate profit).
[3] This does not include any allowance for additional costs shown on the profit and loss accounts.

Mr. CUMMINS. Notwithstanding the conclusions that I have reached, my amendment puts a duty upon pig iron of $1 per ton. I have suggested this duty not because I believe that there is any difference against us as to the cost of production; I have done it in order to furnish some defense against what is ordinarily known in commerce with foreign countries as "dumping." I know there may be times when foreign countries may be willing to put upon our shores pig iron at less than cost, and I do not want to subject our producers to that peril.

Furthermore, I have attached this duty because some of the eastern manufacturers of pig iron may feel the pressure of these reductions. They may feel it because they are not located as they ought to be to produce pig iron. Ultimately the laws of industry and commerce will compel such readjustment as will produce this commodity at the place or places where it can be most economically produced, but in the meanwhile I am willing that there shall be a duty of a dollar a ton upon pig iron in order to furnish these unfortunately located industries an opportunity for readjustment.

Another interesting thing that I desire to introduce into this subject is a sheet which shows the market price of pig iron abroad during the last year. It shows by a chart the line of price of American No. 2 pig iron, which is the southern pig, of which I have been speaking, of Cleveland pig iron, of Luxemburg, and of the hematite—the last three foreign iron. It is one of the corroborating things, too, that during the whole year the price of pig iron abroad has been higher than the price of pig iron at home.

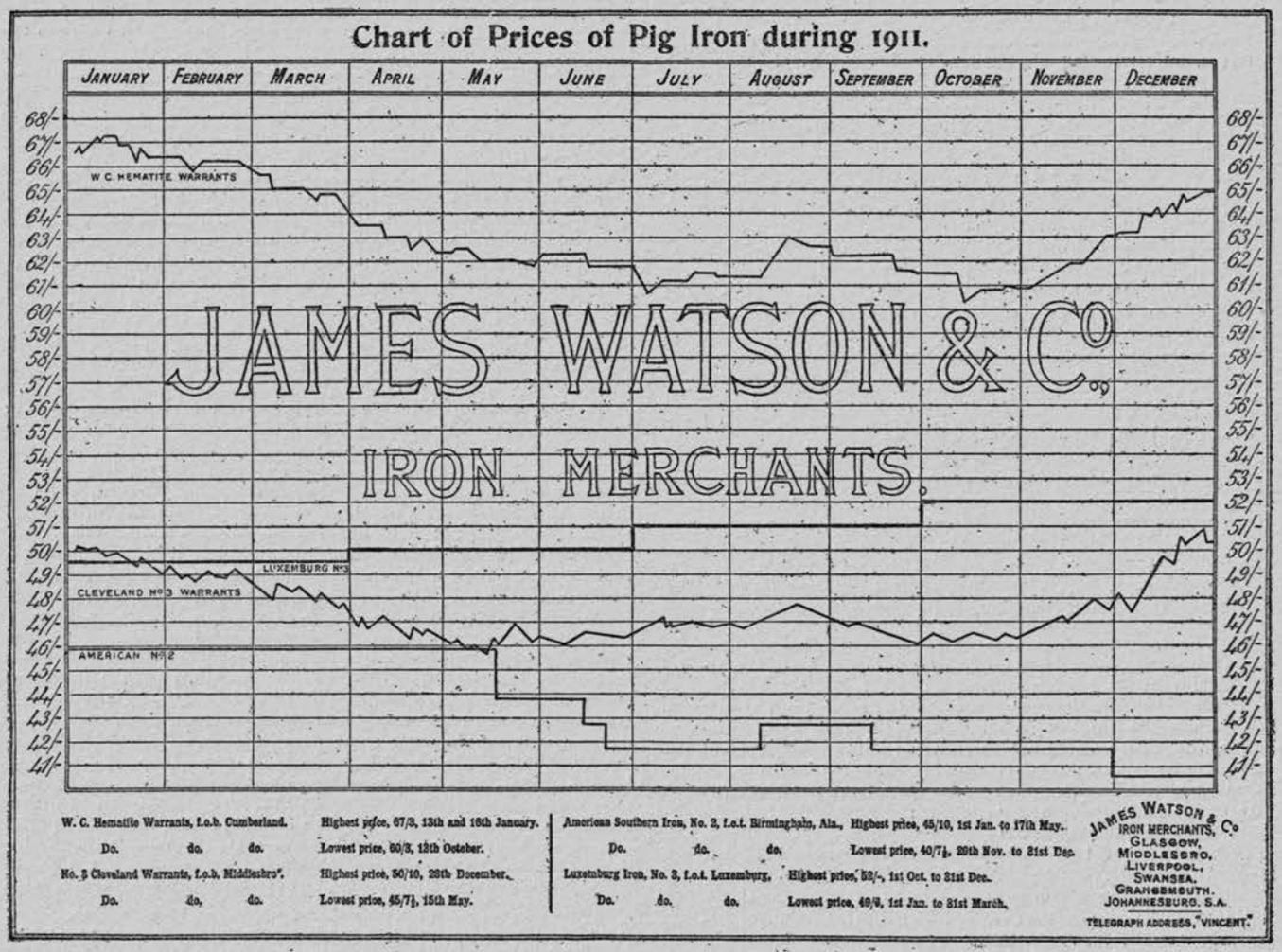
It was said the other day when the Senator from North Carolina [Mr. SIMMONS] was speaking that this was a temporary condition; that there was an unusual and abnormal condition abroad; and that pig iron had been much higher there on account of prosperous times than in former years; but my friend from Utah [Mr. SMOOT], who made that assertion, had not examined the facts, for I find upon investigation that the

price of pig iron during the last year in England has been little, if any, higher than the average price of the last five years.

I have prepared a table showing the price of pig iron abroad since 1897, and I desire to attach the sheet to which I referred a few moments ago, as well as the table to which I have just referred, to my remarks upon this subject.

The PRESIDING OFFICER. Without objection, permission is granted.

The sheet and table referred to are as follows:



N.B.—In converting the prices of American and Luxemburg Iron into British currency as above, the Dollar is reckoned as equal to 4/2, and the Mark, 1/.
(The graph of W.C. Hematite Warrants is based on the Settlement Price.)

Price of pig iron abroad since 1897.

Year.	Cleveland pig iron.	West Coast hematite (Bessemer).	Scotch pig iron.
1897	$9.87	$11.74	$11.03
1898	10.26	12.67	11.47
1899	14.62	16.68	15.51
1900	16.72	19.15	16.87
1901	11.01	14.25	13.07
1902	11.98	14.47	13.26
1903	11.27	13.78	12.71
1904	10.68	12.99	12.51
1905	12.04	14.70	13.01
1906	12.89	16.42	14.29
1907	13.52	18.18	(1)
1908	12.26	14.86	(1)

[1] No business done in warrants.

Mr. CUMMINS. Mr. President, I have now finished my review of the subject of pig iron. What I have hereafter to say with regard to ingots and billets and bars and steel rails and structural steel can be more quickly said; but I would prefer not to take up those items this afternoon. Therefore I yield the floor, hoping to regain it at some other time to present these other forms of steel.

EXECUTIVE SESSION.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and twenty minutes spent in executive session, the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until tomorrow, Thursday, May 9, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 8, 1912.

COLLECTOR OF CUSTOMS.

John Bourne, of New York, to be collector of customs for the district of Dunkirk, in the State of New York. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. Francis Martin to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Emil P. Svarz to be a lieutenant commander in the Navy from the 25th day of January, 1912, to fill a vacancy.

Lieut. (Junior Grade) Harry L. Pence to be a lieutenant in the Navy from the 11th day of October, 1911, to fill a vacancy.

Ensign Harlow T. Kays to be a lieutenant (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as an ensign.

Boatswain Birney O. Halliwill to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1912.

SURVEYOR OF CUSTOMS.

Jacob J. Greenewald to be surveyor of customs for the port of Salt Lake City, in the State of Utah.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Carroll S. Graves to be a lieutenant.

Ensign (Junior Grade) Stephen B. McKinney to be a lieutenant.

POSTMASTERS.

MICHIGAN.

Frank E. Hardy, Big Rapids.
Byron S. Watson, Breckenridge.

MISSOURI.

Mary E. Black, Richmond.
Edward W. Flentge, Cape Girardeau.
Basil B. Kimbrell, Fulton.
Frederick B. Rauch, Morehouse.

NEW YORK.

Joseph E. Cole, Perry,
Alexander M. Harriott, Rye.
Austin Hicks, Great Neck.
Frank N. Lovejoy, Macedon.

NORTH DAKOTA.

Charles H. Burch, Drake.
William H. Pray, Valley City.

SOUTH DAKOTA.

Arthur E. Dann, Centerville.
Elmer G. Houston, Oelrichs.
James H. Reed, Timber Lake.

WASHINGTON.

Thomas Harries, Renton.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 8, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Eternal God, our heavenly Father, draw us by Thy holy influence into the higher realm of thought and action, that we may work together with Thee for the things which make for righteousness, truth, justice, and good will among men. That as instruments in Thy hands we may hasten the coming of Thy kingdom in the earth as it is in heaven. In the spirit of the Lord, Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow [Thursday] morning.

Mr. MANN. Is it the intention immediately after the reading of the Journal to go ahead with the legislative bill?

Mr. UNDERWOOD. That is the understanding, and the purpose of asking this consent is to allow more debate on certain important matters in the legislative bill.

Mr. MANN. I think it very desirable to meet early.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]? [After a pause.] The Chair hears none.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MADDEN. Mr. Speaker, I desire to rise to a question of personal privilege.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] rises to a question of personal privilege, which he will state.

Mr. MADDEN. I wish, Mr. Speaker, to state that in the Chicago Tribune, under the date of May 2, really published in the paper of May 3, an article appears in which the minority leader of the House, my colleague [Mr. MANN], is interviewed. The heading of this article says:

MADDEN, Speaker CLARK, and MOON accused by MANN of hatching the plot.

Then Mr. MANN goes on, and the paper purports to quote him in what he says. This was in reference to the parcel-post business, and the motion which I made to recommit the bill. Here is what Mr. MANN is quoted as saying:

"The whole affair is a dirty deal, and the people who have been fighting for a parcel post so many years ought to know it," said Representative MANN to-night.

"Speaker CLARK, Chairman MOON, and MADDEN hatched up this plot. I went to the Speaker two weeks ago and asked that I be recognized on the motion to recommit, and told him what I intended to do. He said he would have to recognize Representative GARDNER of New Jersey, the Republican member of the committee in charge of the minority opposition to the bill. I said that would be satisfactory, as GARDNER and I were agreed on the bill. GARDNER was to allow me to make the motion.

MANN EXPLAINS TRICK.

"This morning MOON came to me and asked to see my bill. I showed it to him in the confidence that I, as minority leader, would be recognized to present the substitute bill. He read my zone-system plan over and returned it to me without comment. Now, I learn that he tried to get GARDNER to make the motion so as to shut me out. GARDNER refused. So he induced MADDEN to do the business, and Speaker CLARK agreed to carry out the plan.

"This piece of trickery is the most scandalous defiance of the rules of the House we have witnessed in many a day."

Mr. Speaker, I would like to be allowed, if this is a question of personal privilege, to make a statement.

The SPEAKER. The Chair thinks it is a question of personal privilege, and the gentleman may proceed.

Mr. MADDEN. In the course of the proceedings on the Post Office appropriation bill, as everybody in the House knows, there was a good deal of legislation recommended, and the legislation which was recommended provided for the adoption of a parcel-post plan which would give the right to every American citizen to send any parcel up to 11 pounds anywhere within the jurisdiction of the United States at not to exceed 12 cents a pound. The recommendation provided for a change in existing conditions, which are that no package to exceed 4 pounds can be sent through the domestic mails by citizens of the United States, and the charge for every such package is at the rate of 16 cents a pound.

The recommendation made by the committee reduced the charge from 16 cents to 12 cents and increased the size of the package from 4 pounds to 11 pounds. In addition to that, the committee recommended the adoption of a rural parcel post, which gives to every citizen living on a rural postal-delivery route the opportunity to send a package up to 11 pounds from the post office where the rural route originates to the end of the route, the charge for which would be 5 cents for the first pound and 1 cent for each additional pound up to 11 pounds, making 15 cents for the whole package of 11 pounds. This recommendation provides also that any person living anywhere on any rural route may deliver his package to the carrrier, who is required under the law, if enacted, to carry it to the post office at the end of his route, and it requires the post office then to send it out on any other route which starts from that post office. This is what the committee recommended and this is what the House adopted.

During the consideration of this bill the gentleman from Missouri [Mr. SHACKLEFORD] introduced an amendment to the bill, which provides that every rural-route road in the United States shall be classified; that the classes of roads shall be numbered A, B, and C; that class A shall receive $25 per mile per annum for the privilege of delivering the mails; that class B shall receive $20 a mile; and that class C shall receive $15 per mile.

During the consideration of this amendment I spoke against it, and I tried to have it modified so as to cover all delivery routes, whether within cities or in the country. But while I was trying to have it amended I still said, frankly, that I was opposed to the principle involved in it, first, because the Government of the United States is paying at the present time $1,000 per annum to each rural carrier who is employed by the Government for the delivery of the mail to the citizens who live on rural routes, and this bill provides that that compensation shall be increased to $1,074. And it looked to me to be not only unfair but unjust and unwise for the Government of the United States to seek to compensate the farmer by the payment of $25, $20, or $15 per mile per annum for the privilege of passing along the highways to deliver the farmer his mail. I was strenuously opposed to it. I am opposed to it now.

There was another provision introduced into this bill as an amendment from the floor. That provision was introduced by the gentleman from Indiana [Mr. BARNHART]. It provided for the publication of the names of all the stockholders and the officers and controlling managers of all the newspapers in the United States, and for other information which I did not think the Government ought to impose upon the newspapers of the country. And so I was opposed to that.

But both these measures were adopted, and when the bill came from the committee to the House, as a member of the Committee on the Post Office and Post Roads I felt that, as I was opposed to these measures in the bill, if no other member who outranked me on the Committee on the Post Office and Post Roads wished to make a motion to recommit, it was my right to do so, and I rose in my place as a Member of the House and as a member of the Committee on the Post Office and Post Roads, and I exercised my right under the rule to introduce a motion to recommit with instructions to strike out the two items that I have described.

My colleague rose in his place, and he requested me to allow him to make the motion. I refused. He wanted to introduce a

motion to recommit with instructions to report back a parcels post bill which he himself had introduced only the night before, which no man in the House had ever read, which had never been sent to any committee or been considered by any committee—a bill which provided that rural carriers were to receive one-half of the revenues to be derived by the Government as the result of parcel-post delivery in the country, up to $600, thus enabling a rural carrier to draw as compensation for his service not only $1,074, as provided by law, but $600 in addition to that, making $1,674 per annum, while the letter carriers in the cities of the country, who would also be called upon to make these deliveries of parcels, are getting from $900 to $1,200 a year, depending upon the time of their service, and no provision was made for additional payment to these men. I was opposed to what he intended to do, because I was opposed to the Government of the United States entering into any contract with the rural carriers under which the carriers were to get half the receipts of the office, in addition to their salaries.

Now, one thing more. The statement made by my colleague to the effect that I entered into a plot with anybody is false in every particular. [Applause on the Democratic side.]

I entered into no plot, no scheme, and had no understanding. I stood on the floor of the House exercising my rights as a Member of the House, and particularly exercising my rights as a member of the Committee on the Post Office and Post Roads, whose bill was under consideration. I had no contract with Mr. MOON of Tennessee. I had no contract with the Speaker of the House. If the Speaker of the House knew that I was going to make a motion, he knew more than anybody else did, for I did not talk to anybody about what I was going to do. I had no talk with Mr. MOON of Tennessee. I had no arrangement with the Speaker for recognition. I rose in my place and made the motion. I was recognized. It was perfectly in order. I see no reason why I should not be recognized. I see no reason why the minority leader of this House should feel called upon to criticize me in the public press for doing my duty on the floor of this House as I understand it. [Applause on the Democratic side.] If he had any criticism to make of me and of my action, his place to criticize me was on the floor, where I could reply to him. He had no right to go into the newspapers and characterize my attitude as "an infernal plot." I want to say to him that my motives are as pure as his. [Applause on the Democratic side.] I have no interest in doing anything that is not for the best good of the country. Of course my colleague thinks that what he does not do is not properly done. I am sorry for that. [Applause on the Democratic side.] He thinks that all the wisdom and all the integrity of the country is bottled up in him, and I deny it. [Applause on the Democratic side.] I have great admiration for his genius, for his ability, but I frequently have to doubt the wisdom of his judgment. [Applause on the Democratic side.]

I want him to distinctly understand, and I want the people of my district and of this country to understand, that I am here as one of the entities of this House, as one of the Members of this House, with a certificate as big as that of any other Member of this House, and I am not going to be directed in the attitude I am to assume on great public questions by the attitude of the minority leader, unless he agrees with me and I agree with him. [Applause on the Democratic side.]

Now, he never spoke to me in connection with the motion that he proposed to make. I had no understanding of what he proposed to do. I did not know he had talked to Mr. GARDNER, or that he had talked to anybody, and I did not care, so far as that goes. He had not talked to me. Perhaps he did not think it was worth while to talk to me. [Laughter on the Democratic side.] I protest against any such slanderous statements as have been made by my colleague. Every word uttered by him is a deliberate falsehood, so far as it relates to any combination or any plot that I was in with the Speaker of the House or anybody else. [Applause on the Democratic side.]

My reason for not having made this statement sooner is that on Saturday morning, May 4, I received word that my wife, who for more than two years has been seriously ill, was much worse, and I went home to see her, returning only this morning, and for the further reason that I did not see the interview until I was on the train on my way home.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Committee on Insular Affairs, and the unfinished business is the bill H. R. 17756, of which the Clerk will report the title.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

The SPEAKER. If no gentleman wants to take the floor to speak on this bill, the Chair will put the question on the passage of the bill.

Mr. COOPER rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] will be recognized first.

Mr. OLMSTED. I am not quite ready, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] will be recognized.

[Mr. COOPER addressed the House. See Appendix.]

Mr. OLMSTED. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 2, after the word "islands," by inserting "unless the Philippine Government shall provide otherwise by appropriate legislation either general or as to any specific tract or tracts."

Mr. MANN. That should come in on line 4.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the Clerk again report the amendment.

Mr. OLMSTED. There seems to be a different print. There seems to be two different prints, and I think this should come in line 6 after the word "islands."

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Page 2, line 6, after the word "islands," insert "unless the Philippine Government shall provide otherwise by appropriate legislation either general or as to any specific tract or tracts."

Mr. OLMSTED. Mr. Speaker, there has been a good deal of very able and interesting discussion on this bill. I think the gentleman from Virginia [Mr. JONES] in charge of the bill and the gentleman from Wisconsin [Mr. COOPER] were both in error as to their recollection concerning certain features of the organic act of 1902, for I find that as reported from that committee there was no limitation whatever upon the sale of friar lands except such as the Philippine Government might itself prescribe. I have the report in my hand. It was a Senate bill originally. The House, by amendment, struck out all of the Senate bill and inserted a substitute, and this is what it said on the subject of friar lands. Section 15—first I will say that section 65 of the act of 1902, as now upon the statute books, relates to friar lands, but in the House bill, as reported from that committee, it was section 15 which authorized the purchase of the lands held by the religious orders, and section 16 provided that after purchase—

they might be granted, held, and conveyed by the Government of said islands on such terms and conditions as it may prescribe.

Then later—probably in conference—the whole bill was shifted around so that the provision relating to friar lands was found in section 65, and it did say there it might be sold upon such terms as the Philippine Government might by legislation prescribe, "subject to the limitations and restrictions of this act." There were limitations and restrictions in the act that did apply to friar lands, but it is my contention that it does not apply to them the same conditions and restrictions that it applies to public lands. In sections 14, 15, and 16 of the act of 1902 you will find they are spoken of as "the public lands of the United States," they being the lands which the United States acquired from the Crown of Spain, while the friar lands were declared when purchased to be the property of the Philippine Government. They are entirely separate and distinct from the public lands of the United States.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. OLMSTED. I do.

Mr. STEPHENS of Texas. I believe the gentleman and myself were Members of Congress at the time and heard the discussion upon this bill in 1902. Is it not the remembrance of the gentleman—I know it is of mine—that this matter was limited, and we understood that an individual could not acquire more land that he acquired under the public-land laws of the United States, and that not more than 2,500 acres could be acquired by a corporation, and that that was done for the purpose of preventing the exploitation of the Philippine Islands and holding the islands for the benefit of the Filipino people?

Mr. OLMSTED. That is entirely true as to the 60,000,000 acres of public lands, and no corporation can hold more than 2,500 acres of any kind of lands. But it is not necessary to discuss that now. My very elaborate opinion appears in the report of the Committee on Insular Affairs which made the investigation of these friar-land sales in the last Congress, and by leave of the House I reinserted it in my speech of last Wednesday. It appears in this morning's RECORD at page 5718,

I think it is an unanswerable argument. Judge Madison, of Kansas, who had reached a different conclusion and prepared a different opinion, when I read mine aloud to him in the Committee on Insular Affairs threw down his and said, "That argument is unanswerable." That was my opinion then and it is my opinion to-day, and the introduction of this bill, unless my opinion was right, would not have been necessary.

This bill is so drawn that no Filipino, no American, could possibly understand its object or discover its purpose or effect unless he was thoroughly familiar with the subject, hunted up the organic act of 1902, and compared section 65 of that original act with section 65 as this bill proposes to amend it. The original act said these friar lands were to be sold on such terms and conditions as the Filipino Government by legislation should prescribe. Those words are stricken out by this amendment, and in lieu thereof we have—

and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands.

Mr. JONES. I would like to ask the gentleman if the committee would accept this amendment, would the bill then be acceptable to the gentleman?

Mr. OLMSTED. I should still be opposed to the bill, but the bill would be less objectionable than it is now.

Mr. JONES. If it would remove the gentleman's objection, I would be willing to accept this amendment; that would not very materially change it, so far as the gentleman's position is concerned. I would like it to read:

That unless the Philippine Government shall hereafter provide.

Put the word "hereafter" in there.

Mr. OLMSTED. I think that is the construction of it.

Mr. JONES. But some gentleman thought that there had been a good deal of legislation in the past on the subject.

Mr. OLMSTED. According to my amendment, this bill, if passed, would be the law and could only be changed by legislation by the Legislature of the Philippines.

Mr. JONES. That is my construction, but in deference to the opinion of some other gentleman I would put in the word "hereafter."

Mr. OLMSTED. I have no objection to that.

Mr. JONES. And if we could agree as to the measure, with that amendment, I would be very glad to accept it.

Mr. MANN. Does the gentleman from Pennsylvania [Mr. OLMSTED] intend to offer another amendment?

Mr. OLMSTED. I have another amendment which I propose to offer. I will ask the Clerk to read it, and have it considered as pending.

The SPEAKER pro tempore (Mr. RUCKER in the chair). The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert:
"*And provided further*, That in the sale of lands by the Philippine Government there shall be no restriction, limitation, or discrimination against any citizen of the United States."

Mr. OLMSTED. Without objection, I would change that amendment to an amendment in the form of the one which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 21, by inserting after the word "holdings," the following:
"*And provided further*, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided."

Mr. JONES. I understand what the object is, but your amendment says that any citizen of the United States shall be permitted to buy any of the public lands of the Philippine Islands, and that would include the so-called public lands subject to the limitations and restrictions of this act.

Mr. OLMSTED. Yes.

Mr. JONES. It occurred to me that it possibly might mean subject to the restrictions and limitations of this bill, but you refer to the act which this bill would amend?

Mr. OLMSTED. Surely. And the act as it would be amended by this bill.

Mr. MARTIN of South Dakota. The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

Mr. TOWNER. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman from Pennsylvania yield to the gentleman from Iowa?

Mr. OLMSTED. Certainly.

Mr. TOWNER. I want to ask my colleague on the committee if the effect of the amendment was not really to place the situation where it stands now without the passage of any law?

Mr. OLMSTED. I think not. I think it would require future action by the Philippine Legislature.

Mr. TOWNER. Would it not require future action by the Philippine Legislature before any lands now could be disposed of?

Mr. OLMSTED. Before they can be sold in excess of 40 acres, it would, should this bill pass. As the law now stands, there is no necessity for further action by the Philippine Legislature.

Mr. TOWNER. There would be no objection to the bill as amended, if the gentleman will accept it, as I can see.

Mr. OLMSTED. I should still be opposed to it. I think it ought to be left just as it is.

Mr. TOWNER. That is, you would prefer——

Mr. OLMSTED. Do I understand the gentleman from Virginia [Mr. JONES] to accept both of those amendments?

Mr. JONES. No. I have not said anything in regard to them yet.

Mr. OLMSTED. Mr. Speaker, the effect of this bill is not only to limit the sale of friar lands to tracts of 40 acres to any one individual, but also to require that the purchaser shall live upon the 40 acres continuously for five years; and during that period, although he may have paid, cash down, full price for the land, he may not sell it, and he may not even mortgage it or borrow money upon it with which to improve it.

Now, I think as these friar lands belong to the Philippine Government, to the Filipino people, that were purchased by them with their own money, by which they incurred an indebtedness of $7,000,000 and an annual interest charge of $280,000, it would be monstrously unjust to them to restrict them in that way, when practical experience has demonstrated that they can not sell the land under such restrictions for sufficient price to reimburse them for the cost of them. If they are permitted to sell them in convenient tracts, some in larger tracts, they can get their money out of them. They have sold friar tracts at $6, where 40-acre tracts with these restrictions could not be sold for $2 an acre. Why should the Congress of the United States say that they shall not sell their own lands except under such burdensome conditions as prevent them from selling them at all?

Take the Isabela estate. It is in a wild, un-Christian province, 100 miles from a seaport, and that seaport 200 miles from Manila. Nobody would go there and buy a 40-acre tract and live on it unless he could borrow enough money to improve it.

If it could be cut up into reasonable tracts it could be sold for enough money to reimburse the Philippine Government for its purchase. Why should they not be permitted to do it? They have their own legislation now that authorizes the sale. This bill would not only amend the organic act of 1902, but it would repeal or render ineffective the Filipino statute.

Mr. MARTIN of South Dakota. Could that Isabela estate be sold under the interpretation that is placed on the selling of actual holdings to any extent?

Mr. OLMSTED. There is no holding in it at all. It is untenanted. My information is that it is rich land. It will be sold eventually in larger tracts for as much as the Government paid for it, with interest, but if in 40-acre tracts, under the restrictions, it can not be sold in 100 years.

In the meantime the Philippine Government will be paying the interest on its bonded debt. Why should we do this? We do not so restrict the sale of lands in Wisconsin, or in Virginia, or in Massachusetts, or in North Dakota, or anywhere else. Why should we impose such an onerous burden as that upon the Filipino people? It is something that I can not understand. There never was any desire on the part of the Filipino people for any such legislation as this until they were led to believe by some of their leaders that great interests here were going to gobble up their lands and that the investment by Americans there would in some way prevent the granting of independence. They reasoned that the Americans holding lands there would argue before Congress that their possessions would have less security under a native government than under the present government.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Minnesota?

Mr. OLMSTED. I yield to the gentleman from Minnesota, a member of the Insular Committee.

Mr. DAVIS of Minnesota. The Philippine law, if the gentleman will pardon me for first making a preliminary remark, provides that an individual can purchase only 40 acres of these lands?

Mr. OLMSTED. Public lands.

Mr. DAVIS of Minnesota. And that a corporation can purchase only 2,500 acres?

Mr. OLMSTED. That is right.

Mr. DAVIS of Minnesota. That is provided for in section 65.

Mr. OLMSTED. No; section 15.

Mr. DAVIS of Minnesota. I think section 65 applies the same terms. Now, section 75 makes a further limitation upon the number of acres that a corporation can own at all.

Mr. OLMSTED. No corporation can own more than 2,500 acres.

Mr. DAVIS of Minnesota. That is either by purchase from the Government or from any other source?

Mr. OLMSTED. Friar lands, public lands, or lands from a private individual.

Mr. DAVIS of Minnesota. Yes. But as I read the law there is no limitation upon the ownership which can be acquired by a private individual.

Mr. OLMSTED. There is not, except as to public lands.

Mr. DAVIS of Minnesota. Hence, while there is an absolute limitation upon either the purchase, the acquiring, or the controlling of public land by a corporation to 2,500 acres, yet there is no limitation upon the amount that can be acquired and held and controlled by an individual. Now, does not the gentleman think——

Mr. MICHAEL E. DRISCOLL. Does the gentleman from Pennsylvania assent to that?

Mr. DAVIS of Minnesota. Does not the gentleman think, if we are going to keep these islands or attempt to control them in the interest of the Filipinos, that there ought to be at least some limitation upon the number of acres that an individual may acquire, not by purchase in the first instance from the Filipino Government but what he may acquire by purchase from other individuals, and thus prevent the possibility of one man or one or two men individually buying up the whole public domain there, if they have enough money, and thus creating a greater monopoly in one or two individuals than we permit in a corporation?

Mr. OLMSTED. Well, that is a question that is not involved in the consideration of this bill. No individual now can purchase more than 40 acres of the public land, of which there are something like 60,000,000 acres.

Mr. DAVIS of Minnesota. But he can acquire by purchase from other individuals the whole island if he has money enough?

Mr. OLMSTED. Well, if the other individuals owned the whole island and were willing to sell, he could.

Mr. DAVIS of Minnesota. But the corporations can not?

Mr. OLMSTED. That is true.

Mr. DAVIS of Minnesota. Why, then, place a greater limitation upon the corporation than upon the individual, if we would be consistent?

Mr. OLMSTED. The lands were in the ownership of private individuals, when we acquired occupation of the islands, in much larger tracts than 40 acres.

Mr. DAVIS of Minnesota. And the three religious orders of friars, I understand, owned these 400,000 acres?

Mr. OLMSTED. Yes.

Mr. DAVIS of Minnesota. What is there to prevent individuals, for instance, Horace Havemeyer, from going there and purchasing all the 400,000 acres?

Mr. OLMSTED. I am told there is one individual or partnership owning 14,000 acres of good sugar land. There is nothing to prevent Mr. Havemeyer or anybody else from buying that land if they have money enough to buy it.

Mr. DAVIS of Minnesota. Does not the gentleman think there should be a restriction against the purchase of such a large area, thus establishing a sugar monopoly? If he had money enough he could purchase land enough and thus acquire control of the islands.

Mr. OLMSTED. There is nothing in this bill to prevent an individual from purchasing all the sugar land owned by private individuals in the Philippine Islands.

Mr. TILSON. Mr. Speaker, may I ask the gentleman a question?

Mr. OLMSTED. Certainly.

Mr. TILSON. Have we ever attempted to restrict in any State or Territory the amount of land that may be bought by an individual?

Mr. OLMSTED. Not to my knowledge.

Mr. TILSON. Is there any more danger of a large monopoly from the purchase of land there than there is in Louisiana? Would it be fair for us to prohibit, if we had the power, anyone in Louisiana from selling a large amount of land that he might own?

Mr. DAVIS of Minnesota. I grant you that is true; but when we obtained these public lands, and when we obtained the friar lands, apparently the settled object of this Government was to prevent exploitation. In other words, the design was to sell the lands in small tracts to actual settlers, giving the preference to those who were already tenants or occupants of the land. Hence I say there is no more danger in Louisiana than there is over there in the Philippines. There is just as much. But why make the distinction as to the corporation and limit the corporation to the ownership of 2,500 acres and not limit the individual at all? An individual can go on and accomplish just as much as the corporation, and perhaps there are individuals in the United States who have money enough to purchase the whole 400,000 acres, not directly from the Government, not directly from the Filipinos, but to purchase from other holders until such individuals usurp or confer upon themselves the ownership of the entire Philippine Islands. There is nothing in the present law or in the present bill that would prevent that in the least.

Mr. OLMSTED. Mr. Speaker, the effect of my first amendment there is simply this: As the law now stands, and under the act already passed by the Philippine Government, there is no restriction upon the amount of friar lands which may be sold to an individual. This bill would not only restrict the sale to 40 acres, but would also, as I have said, impose these other burdensome and almost impossible conditions. Now, the effect of my amendment would be that if this bill is passed, the law would stand as this bill makes it stand, with the proviso that the Philippine Legislature may hereafter impose different terms and conditions, either generally as to all these lands or particularly as to certain specific tracts. In other words, it leaves it with the Filipino people to do with these lands what they please. Now, those of you who in a few days are going to vote to declare their independence must certainly believe that they would wisely dispose of their own lands. It seems to me there can hardly be any objection to that amendment, and it would, at least, be an improvement upon the bill as it now stands.

Mr. JONES. Mr. Speaker, I will say to the gentleman that with the slight modification of putting the word "hereafter" after the word "shall," in his amendment, I will accept it.

Mr. OLMSTED. Then, I should like to have a vote on the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 6, by inserting after the word "islands" the following:

"Unless the Philippine Government shall provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts."

Mr. OLMSTED. Insert the word "hereafter" after the word "shall."

The SPEAKER pro tempore. The question is on the amendment as modified.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHERLEY. Is the bill now up for amendment, or is it subject to general debate?

Mr. OLMSTED. We are considering the bill in the House.

The SPEAKER pro tempore. The bill is being considered in the House. Anyone who has the floor has the right to offer an amendment.

Mr. SHERLEY. Has the bill been read for amendment at all?

Mr. OLMSTED. We are in the House.

Mr. SHERLEY. The bill must be read. I want to know if it has been read.

The SPEAKER pro tempore. The bill was read at the last session when it was under consideration.

Mr. OLMSTED. I call for a vote on that amendment.

The SPEAKER pro tempore. The question is on the amendment.

Mr. SHERLEY. I should like to have the amendment reported.

The SPEAKER pro tempore. The amendment will be reported.

The Clerk read as follows:

Amend, page 2, line 6, by inserting after the word "islands" the following:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts."

Mr. SHERLEY. I suggest to the gentleman that we ought not to vote on an important matter of this kind without a quorum. I have no desire to stop the gentleman in his speech.

Mr. MANN. Both sides are agreed on the amendment.

Mr. SHERLEY. The matter might be delayed until the conclusion of the discussion.

Mr. OLMSTED. I would rather discuss the bill when there is a quorum here, if there is to be one here.

Mr. SHERLEY. I feel that a bill of this importance should not be finally considered and passed without a quorum being present for full consideration of it. I did not know we were going to reach that stage so rapidly. I simply make that suggestion to the gentleman.

Mr. JONES. I ask that the amendment be put. Then the gentleman can raise his point of no quorum.

Mr. SHERLEY. The gentleman has not the floor to ask that.

The SPEAKER pro tempore. The question is on the amendment.

The question being taken, on a division (demanded by Mr. SHERLEY) there were—ayes 27, noes none.

Mr. SHERLEY. I suggest the absence of a quorum, Mr. Speaker.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. JONES. I move a call of the House.

The SPEAKER pro tempore. That is not necessary. The Doorkeeper will close the doors. The Sergeant at Arms will notify absentees. Those in favor of the amendment will vote "aye," those opposed to the amendment will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 189, nays 43, answered "present" 14, not voting 146, as follows:

YEAS—189.

Adair	Driscoll, M. E.	Konig	Rothermel
Aiken, S. C.	Dyer	Kopp	Rubey
Ainey	Edwards	La Follette	Rucker, Colo.
Akin, N. Y.	Ellerbe	Lamb	Russell
Alexander	Estopinal	Langham	Saunders
Allen	Farr	Lee, Ga.	Scully
Ames	Fergusson	Lee, Pa.	Sherley
Anderson, Ohio	Ferris	Levy	Simmons
Ansberry	Finley	Linthicum	Slayden
Austin	Flood, Va.	Lloyd	Sloan
Ayres	Floyd, Ark.	Lobeck	Small
Barnhart	Foss	Longworth	Smith, J. M. C.
Bartholdt	Fuller	Loud	Smith, Tex.
Bartlett	Gallagher	McDermott	Speer
Bell, Ga.	Gardner, N. J.	McGillicuddy	Stanley
Booher	Garner	McKellar	Stedman
Borland	Garrett	McKenzie	Steenerson
Bowman	George	McKinley	Stephens, Cal.
Browning	Godwin, N. C.	McKinney	Stephens, Miss.
Buchanan	Gregg, Tex.	Macon	Stephens, Nebr.
Burke, Wis.	Griest	Madden	Stephens, Tex.
Burleson	Guernsey	Maguire, Nebr.	Sterling
Burnett	Hamlin	Mann	Sweet
Butler	Hammond	Miller	Taylor, Ala.
Byrns, Tenn.	Harris	Moon, Tenn.	Thayer
Calder	Harrison, Miss.	Moore, Pa.	Thistlewood
Candler	Hartman	Morgan	Tilson
Cannon	Hay	Morrison	Towner
Cantrill	Hayden	Moss, Ind.	Tribble
Cline	Heflin	Mott	Turnbull
Collier	Helm	Needham	Underhill
Connell	Henry, Conn.	Oldfield	Underwood
Conry	Hensley	Olmsted	Utter
Covington	Holland	O'Shaunessy	Vare
Currier	Howard	Padgett	Volstead
Curry	Howell	Palmer	Vreeland
Dalzell	Hughes, Ga.	Payne	Watkins
Danforth	Hughes, N. J.	Pepper	Wedemeyer
Daugherty	Humphrey, Wash.	Peters	Whitacre
Davis, Minn.	Humphreys, Miss.	Pou	Wilder
De Forest	Jacoway	Powers	Willis
Dent	Johnson, S. C.	Pray	Wilson, Ill.
Denver	Jones	Prouty	Wilson, Pa.
Dickinson	Kennedy	Rauch	Witherspoon
Dixon, Ind.	Kinkaid, Nebr.	Redfield	Young, Tex.
Donohoe	Kinkead, N. J.	Rees	
Doughton	Kitchin	Reilly	
Driscoll, D. A.	Knowland	Rodenberg	

NAYS—43.

Anderson, Minn.	Francis	Kent	Raker
Berger	French	Lenroot	Robinson
Blackmon	Good	Lindbergh	Sims
Bulkley	Goodwin, Ark.	Martin, Colo.	Sisson
Cooper	Gray	Martin, S. Dak.	Stone
Copley	Green, Iowa	Morse, Wis.	Sulzer
Curley	Hardy	Murdock	Talcott, N. Y.
Doremus	Haugen	Neeley	Warburton
Evans	Hubbard	Nelson	White
Foster	Jackson	Prince	Young, Kans.
Fowler	Kendall	Rainey	

ANSWERED "PRESENT"—14.

Campbell	Glass	Roddenbery	Talbott, Md.
Cary	Houston	Rouse	Weeks
Esch	Kahn	Sabath	
Fornes	McCall	Stevens, Minn.	

NOT VOTING—146.

Adamson	Burgess	Crago	Dwight
Andrus	Burke, Pa.	Cravens	Fairchild
Anthony	Burke, S. Dak.	Crumpacker	Faison
Ashbrook	Byrnes, S. C.	Cullop	Fields
Barchfeld	Callaway	Davenport	Fitzgerald
Bates	Carlin	Davidson	Focht
Bathrick	Carter	Davis, W. Va.	Fordney
Beall, Tex.	Catlin	Dickson, Miss.	Gardner, Mass.
Boehne	Clark, Fla.	Dies	Gillett
Bradley	Claypool	Difenderfer	Goeke
Brantley	Clayton	Dodds	Goldfogle
Broussard	Cox, Ind.	Draper	Gould
Brown	Cox, Ohio	Dupré	Graham
Greene, Mass.	Konop	Moore, Tex.	Sheppard
Gregg, Pa.	Korbly	Murray	Sherwood
Gudger	Lafean	Norris	Slemp
Hamill	Lafferty	Nye	Smith, Saml. W.
Hamilton, Mich.	Langley	Page	Smith, Cal.
Hamilton, W. Va.	Lawrence	Parran	Smith, N. Y.
Hanna	Legare	Patten, N. Y.	Sparkman
Hardwick	Lever	Patton, Pa.	Stack
Harrison, N. Y.	Lewis	Pickett	Sulloway
Hawley	Lindsay	Plumley	Switzer
Hayes	Littlepage	Porter	Taggart
Heald	Littleton	Post	Taylor, Colo.
Helgesen	McCoy	Pujo	Taylor, Ohio
Henry, Tex.	McCreary	Randell, Tex.	Thomas
Higgins	McGuire, Okla.	Ransdell, La.	Townsend
Hill	McHenry	Reyburn	Tuttle
Hinds	McLaughlin	Richardson	Webb
Hobson	McMorran	Riordan	Wickliffe
Howland	Maher	Roberts, Mass.	Wilson, N. Y.
Hughes, W. Va.	Malby	Roberts, Nev.	Wood, N. J.
Hull	Matthews	Rucker, Mo.	Woods, Iowa
James	Mays	Sells	Young, Mich.
Johnson, Ky.	Mondell	Shackleford	
Kindred	Moon, Pa.	Sharp	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. ASHBROOK with Mr. ANTHONY.

Mr. BOEHNE with Mr. CATLIN.

Mr. BRANTLEY with Mr. CRUMPACKER.

Mr. BROWN with Mr. DODDS.

Mr. BYRNES of South Carolina with Mr. FOCHT.

Mr. CARLIN with Mr. FORDNEY.

Mr. CLARK of Florida with Mr. GILLETT.

Mr. CLAYPOOL with Mr. GREENE of Massachusetts.

Mr. CLAYTON with Mr. HAMILTON of Michigan.

Mr. CULLOP with Mr. HANNA.

Mr. DIES with Mr. HAYES.

Mr. FAISON with Mr. HELGESEN.

Mr. DUPRÉ with Mr. HEALD.

Mr. FITZGERALD with Mr. HILL.

Mr. GOLDFOGLE with Mr. HOWLAND.

Mr. GRAHAM with Mr. HUGHES of West Virginia.

Mr. GREGG of Pennsylvania with Mr. LAFFERTY.

Mr. GUDGER with Mr. LAWRENCE.

Mr. HENRY of Texas with Mr. MCCREARY.

Mr. HULL with Mr. MCGUIRE of Oklahoma.

Mr. JAMES with Mr. MCCALL.

Mr. JOHNSON of Kentucky with Mr. MCKINNEY.

Mr. KORBLY with Mr. MCLAUGHLIN.

Mr. LEVER with Mr. MALBY.

Mr. MCCOY with Mr. MONDELL.

Mr. PAGE with Mr. NYE.

Mr. POST with Mr. PICKETT.

Mr. RICHARDSON with Mr. ROBERTS of Massachusetts.

Mr. RUCKER of Missouri with Mr. ROBERTS of Nevada.

Mr. SHARP with Mr. SMITH of California.

Mr. THOMAS with Mr. STERLING.

Mr. WEBB with Mr. WOOD of New Jersey.

Mr. WICKLIFFE with Mr. YOUNG of Michigan.

Mr. CARTER with Mr. KAHN.

Mr. ROUSE with Mr. MATTHEWS.

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. HARRISON of New York with Mr. HINDS.

Mr. PUJO with Mr. MCMORRAN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. SHEPPARD with Mr. BATES.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. COX of Indiana with Mr. REYBURN.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. MCHENRY with Mr. SWITZER.

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. CALLAWAY with Mr. BURKE of Pennsylvania.

Mr. WILSON of New York with Mr. LAFEAN.

Mr. FIELDS with Mr. LANGLEY.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MURRAY with Mr. CRAGO.

Mr. LEGARE with Mr. WOODS of Iowa.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. KINDRED with Mr. PORTER.

From April 17 to May 21:

Mr. BURGESS with Mr. WEEKS.

From May 3 for two weeks:
Mr. SHACKLEFORD with Mr. DRAPER.
From May 7 until further notice:
Mr. BEALL of Texas with Mr. HAWLEY.
From May 4 to May 13:
Mr. DIFENDERFER with Mr. PLUMLEY.
From May 7 for 10 days:
Mr. KONOP with Mr. SULLOWAY.

Mr. KAHN. Mr. Speaker, is the gentleman from Oklahoma, Mr. CARTER, recorded?

The SPEAKER. He is not.

Mr. KAHN. I voted "aye." I am paired with the gentleman from Oklahoma and I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. KAHN, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

Mr. JONES. Mr. Speaker——

Mr. SHERLEY. Mr. Speaker, I make the point of order that the gentleman from Pennsylvania [Mr. OLMSTED] is entitled to the floor, and has the floor.

Mr. JONES. Mr. Speaker, I would like to know how the gentleman from Pennsylvania——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. JONES. Mr. Speaker, I rise for the purpose of moving the previous question upon the bill and all pending amendments.

Mr. MORSE of Wisconsin. Will the gentleman withhold his motion until I can offer an amendment?

Mr. JONES. Mr. Speaker, I will withhold that motion until these gentlemen can send up their amendments and let them be considered as pending.

Mr. SHERLEY. Mr. Speaker, I make the point of order——

The SPEAKER. Will the gentleman withhold for a moment? Let the gentlemen send up their amendments——

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. The gentleman from Kentucky is recognized to make his point of order.

Mr. SHERLEY. Mr. Speaker, the point of order is this, that the gentleman from Virginia has been recognized; he has voluntarily surrendered the floor and he is not again entitled to recognition while other Members who have not been recognized desire to be recognized and to be heard on the bill.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the gentleman from Virginia, this being a House Calendar bill, when the bill first came up took the floor and occupied an hour. Subsequent to that the gentleman from Pennsylvania was recognized to offer an amendment, and of course under the rules was entitled to an hour to discuss the amendment and to take the floor on the amendment, and by that the gentleman from Pennsylvania lost the floor. Now the gentleman from Virginia asks recognition for the purpose of moving the previous question, not for the purpose of debate. I do not think he would be entitled to recognition for the purpose of debate if anyone else was asking for recognition, but it seems to me that the gentleman in charge of a bill, with no one on the floor at the time when an amendment was in order, is entitled to recognition for the purpose of offering an amendment if he chooses to do so, or for the purpose of moving the previous question——

Mr. MARTIN of Colorado. But there was some one on the floor seeking recognition.

Mr. MANN (continuing). Because without that there would be no way of closing debate for a month.

Mr. SHERLEY. Mr. Speaker, while the gentleman undertakes to make the statement that it would require a month to close debate, the fact always has been this, that a Member in charge of a bill, when it is called up with the House sitting as the House, has an hour. He has the privilege then of moving the previous question and to continue control of his bill; the previous question would then be voted upon. If it is voted up, the bill comes up for a vote; if it is voted down, the power passes to some one who is opposed to it. If, however, he voluntarily gives up the control of his bill, the man who is recognized has the right in his time to make a motion or move the previous question, and he, having been once recognized, can not again claim recognition to the exclusion of others, because, if the gentleman from Illinois is right in his position, it lies within the power of the gentleman in charge of the bill, having had an hour, to yield the floor and then at any time he sees fit cut off debate by moving the previous question.

Mr. MANN. He must be entitled to recognition for the purpose of offering an amendment as gentlemen in charge of the bill are entitled to recognition in Committee of the Whole House on the state of the Union. It is true we are in the House, but the gentleman in charge of the bill is entitled to recognition for the purpose of making the motion as against anyone on the floor asking recognition for debate.

Mr. OLMSTED rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. OLMSTED. For the purpose of a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I had the floor to offer an amendment. I did offer it, and it was acceptable to the gentleman from Virginia [Mr. JONES]. He asked me if I had any other amendment, and I said I had another, and he seemed to desire to know what it was; so I agreed to let it be read and be considered pending. I stopped then, because there was no further controversy as to my first amendment, so that it might be formally adopted; but somebody made the point of no quorum, and that necessitated a roll call. It was not demanded by me, and I would like to be heard briefly on my second amendment, which has not been discussed.

The SPEAKER. The parliamentary situation is this, and the Chair does not think there is much difficulty about it: The gentleman from Virginia [Mr. JONES] is in charge of the bill. It has been the custom at least for 18 years in this House—I do not know how much longer—that a Member in charge of a bill is in charge of it [laughter], not for the purpose of talking all the time, but he can make a speech not to exceed an hour unless the House grants him more time, and the gentleman from Virginia did that. The gentleman from Pennsylvania [Mr. OLMSTED] took the floor for an hour. If anybody had raised the point of order against him then, he would have had to postpone his hour until everybody else had been heard who wanted to be heard, because that is the rule. If the gentleman from Virginia had undertaken to make a speech now, he would have to postpone that speech until every Member in the House who wanted to be heard had been heard, except that he would have the right to conclude. The gentleman from Pennsylvania [Mr. OLMSTED], it seems, got an hour and then lost it by reason of this roll call and amendment. Therefore the gentleman from Virginia, before anybody else gets recognition for a speech, has the right to make this motion for the previous question. Now, the question is——

Mr. OLMSTED. Mr. Speaker, I will ask the gentleman from Virginia if he will not, under the circumstances, withhold his motion, say, for 10 minutes?

Mr. JONES. Mr. Speaker, I will be very glad to do so, but the gentleman from Pennsylvania knows that there is a filibuster movement on foot here——

Mr. OLMSTED. But the gentleman from Virginia knows I have no part in the filibuster movement.

Mr. JONES. No; and that would probably add to the difficulty of passing the measure this evening.

The SPEAKER. Now, if the gentleman from Pennsylvania has another amendment the Chair thinks he has a right to offer it.

Mr. OLMSTED. I have it here now.

Mr. MARTIN of Colorado. Mr. Speaker, I would like to ask unanimous consent to ask the gentleman from Virginia a question. I would like to ask——

The SPEAKER. The gentleman from Colorado asks unanimous consent to ask the gentleman from Virginia a question. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. I would like to ask the gentleman if he can not defer his motion for half an hour or an hour to give a few of us about five minutes apiece. I think I ought to have a little time, as I was the author of the investigation in the last Congress that brought about this legislation.

Mr. JONES. Mr. Speaker, I make this statement: If it can be agreed by unanimous consent that this motion for the previous question shall be put at 4 o'clock, I shall be glad to do it, but unless unanimous consent can be gotten for that I can not consent.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Do I understand that the gentleman from Pennsylvania [Mr. OLMSTED] is in order to offer an amendment to this bill before the gentleman from Virginia [Mr. JONES] is in order to move the previous question?

The SPEAKER. The way that situation arose was this: The gentleman from Virginia [Mr. JONES] moved the previous question. Of course it is not debatable. Then the gentleman

from Wisconsin [Mr. MORSE] rose and asked him to withhold that motion until he could offer an amendment, and then six or eight other gentlemen indicated that they had amendments.

Mr. JONES. One other.

The SPEAKER. And the gentleman from Virginia [Mr. JONES] said he would withhold it that long, which he did, and the Chair ordered all of them to send their amendments to the Clerk's desk.

Mr. SHERLEY. Do I understand from the Chair's statement, then, that these various amendments are pending, and if they are pending are they subject to amendment or debate prior to the previous question?

The SPEAKER. There can not be more than four amendments pending to any one section.

Mr. SHERLEY. Are they pending, and are they debatable now?

The SPEAKER. No. The motion of the gentleman from Virginia [Mr. JONES] was for the previous question on the bill and all amendments thereto to final passage.

Mr. MANN. Mr. Speaker, if the gentleman will permit, the Speaker was not in the chair when this took place. Of course, there was only one amendment offered. That was offered by the gentleman from Pennsylvania [Mr. OLMSTED]. That was the one that was voted upon. The gentleman from Pennsylvania gave notice that he would offer another and have it read from the Clerk's desk, but it was not in order to offer it at the time because it in no way related to the other amendments.

The SPEAKER. What is the contention of the gentleman from Illinois?

Mr. MANN. That there is no amendment pending before the House unless the gentleman has an opportunity to offer one now.

The SPEAKER. That is exactly what the gentleman from Pennsylvania has done. He offered his amendment after the gentleman from Virginia [Mr. JONES] moved the previous question, but the gentleman from Virginia withheld his motion for the previous question until gentlemen could offer amendments.

Mr. MANN. If the gentleman from Virginia [Mr. JONES] withheld his motion for the purpose of letting the gentleman offer the amendment, I have no objection to the amendment.

Mr. MARTIN of Colorado. I do not understand the gentleman from Virginia [Mr. JONES] accorded any such exclusive privilege as that to the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. He did not undertake to do anything of the sort.

Mr. MARTIN of Colorado. I have an amendment I would like to offer, Mr. Speaker. I have a substitute to the bill and all pending amendments.

The SPEAKER. The gentleman will suspend a moment. The gentleman from Kentucky [Mr. SHERLEY] understands, and so does the Chair, that you can have an amendment and an amendment to the amendment, a substitute and an amendment to the substitute, and that is all the amendments you can have on any one proposition. But if these amendments which come in by the grace of the gentleman from Virginia apply to different sections under that arrangement, they would all be in order, if they were germane, providing no more than four, as stated, apply to any one proposition in the bill.

Mr. SHERLEY. What I would like to ask the Chair is this: If these gentlemen are to be recognized to offer amendments, does the Chair then hold that the gentleman from Virginia [Mr. JONES] is entitled to recognition over anyone else to move the previous question so as to prevent debate on these amendments?

The SPEAKER. The Chair will decide that question when it arises. The question is on agreeing to the motion for the previous question.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. JONES. A division, Mr. Speaker.

The House divided; and there were—ayes 59, noes 64.

Mr. JONES. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. SHERLEY. A parliamentary inquiry, Mr. Speaker. Is that a sufficient number? We are in the House instead of in committee.

The SPEAKER. One-fifth of a quorum is sufficient under the rule.

Mr. SHERLEY. I had not made the calculation.

The SPEAKER. A quorum is 197, and 40 is more than one-fifth of 197. The gentleman from Virginia [Mr. JONES] and the gentleman from Pennsylvania [Mr. OLMSTED] will take their places as tellers.

The House again divided; and there were—ayes 61, noes 65.

So the motion for the previous question was rejected.

Mr. REDFIELD. Mr. Speaker, I make the point of no quorum.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry——

Mr. GARRETT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] makes the point of order that there is no quorum present. The Chair will count. [The Chair proceeded to count.]

Mr. GARRETT. Mr. Speaker, I withdraw the point of no quorum.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the House proceed with the consideration of this bill for 40 minutes under the 5-minute rule, and that at the end of that time the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House proceed with the debate under the 5-minute rule for 40 minutes, and that at the end of that time the previous question shall be considered as ordered.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman that he couple with his agreement the proposition that there be no other matter considered to-day than this bill. I shall not then object.

Mr. MANN. Well, I will couple with that agreement that upon the passage of this bill the House shall adjourn—after the final vote on the bill the House shall adjourn.

The SPEAKER. And the gentleman from Illinois enlarges his request to the effect that after the disposition of this bill the House shall adjourn.

Mr. JONES. I object, Mr. Speaker.

The SPEAKER. The gentleman from Virginia objects.

Mr. OLMSTED. Mr. Speaker, I now offer again and desire to be heard upon the amendment which was read some time ago and which is considered pending.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert the following: "*And provided further*, That every citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations and restrictions herein provided."

Mr. OLMSTED. Mr. Speaker, the Government of the United States donated to the Philippine Government the 60,000,000 acres of land which, under the treaty of Paris, we acquired from the Government of Spain. In making that donation we affixed a condition, not only that not more than 40 acres should be sold to any one person, but that the person purchasing should live upon the land for five years continuously.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. OLMSTED. Not at present.

Mr. FOWLER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. The gentleman from Pennsylvania [Mr. OLMSTED] has had his hour, and there are other gentlemen who desire to speak.

Mr. OLMSTED. May it please the court, I have not had two minutes yet. [Laughter.]

Mr. MANN. Mr. Speaker, if the gentleman will permit, the gentleman from Pennsylvania [Mr. OLMSTED] is entitled to an hour upon his amendment.

The SPEAKER. The Chair is inclined to think that the gentleman from Pennsylvania, having offered his amendment, is entitled to his hour. The House had the privilege of cutting off all this debate and did not do it.

Mr. FOWLER. Mr. Speaker, I understood the ruling of the Chair to be, before the motion was taken on the previous question, that he who had occupied an hour on this bill and had surrendered the floor was not entitled to speak on the bill further if there were any other gentlemen who wanted to speak on the bill.

The SPEAKER. That is absolutely correct, and if the gentleman were trying to speak on the bill the Chair would rule that anybody who had not spoken should have the right of way. But the gentleman from Pennsylvania [Mr. OLMSTED] has offered an amendment, and he has the right to an hour on the amendment.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I hope this will not come out of my time.

Mr. SHERLEY. After the gentleman has finished his speech any gentleman who has not spoken will be entitled to recognition to speak on the bill?

The SPEAKER. It seems so to the Chair.

Mr. SHERLEY. Or would the gentleman from Virginia [Mr. JONES] have the right to interpose the previous question?

The SPEAKER. If the gentleman from Pennsylvania finishes his speech and stops—which he would have to do [laughter]—and if the gentleman from Virginia then got the floor before anybody else did, the Chair would undoubtedly hold that he had the right to order the previous question, because it must be that somebody has charge of the bill in the House.

Mr. SHERLEY. But if the Chair please, I suggest that, the previous question having been voted down, it is an indication on the part of the House that it desires debate on the bill, and those of us who never have had the privilege of speaking to the bill ought to be given that privilege before the gentleman from Virginia could be recognized to move the previous question.

The SPEAKER. Any gentleman that can get the floor has the right to move the previous question. There are no two opinions about that, the Chair would think, unless the gentleman from Kentucky [Mr. SHERLEY] claims that the gentleman from Virginia [Mr. JONES] lost control of the bill when the motion for the previous question was voted down.

Mr. SHERLEY. Unquestionably, if that is the result of the vote.

The SPEAKER. The Chair will dispose of that point when the time comes.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker and gentlemen, I wish to detain you long enough to express my approval of this particular bill, and especially of the principle involved in it, because so far as it goes it embodies the proper attitude of this Government toward the Philippine Islands and people. The particular amount of land which this bill, if enacted into law, proposes to put into the same legal status as the 60,000,000 acres acquired by our Government from Spain is not so very large, and no very great damage could be done if it were left as it is, even under the construction given by the Attorney General to the present law. However, it is entirely proper for the Congress to take notice of the opinion given by the Attorney General construing the law by which the insular government got possession of the friar lands, and as directly as possible express its disapproval of the sale of about 55,000 acres of land at one time and to one person.

My opinion of the law which provided for the acquisition of the friar lands is not entitled to any considerable weight, but the understanding of Congress at the time that law was enacted, and the general impression of what it was expected to accomplish, are entitled to much consideration. It was the general opinion at that time, according to my recollection, that the friar lands, when acquired by the insular government, would be placed in the same legal status as the larger amount of land acquired from Spain, and would with reference to sales, rentals, and so forth, be subject to the same rules, regulations, and law.

It has been stated here that up to a recent date 8,393 separate sales of friar lands were made, of which sales 82 involved tracts in excess of 16 hectares, or 40 acres each. Of those 82 sales only 6 exceeded 100 hectares, and of those 6, one was the sale to Mr. E. L. Poole of a very large tract—about 55,000 acres. This very large number of small sales indicates clearly that the insular government was in good faith administering the law according to its spirit as well as letter by permitting people who occupied lands under the administration of the friars to buy their holdings from the Government, the overwhelming majority of which were below 16 hectares, and those which were above that amount only very little in excess thereof.

I am opposed to the exploitation of the Philippine lands or other resources by any class of people, and especially by Americans, because the more limited are American interests in the islands the more readily and easily we will be able to withdraw American occupation when the time comes. Congress has never directly and formally declared the policy of this country in favor of discontinuing its occupation of the Philippines when they are fit to manage their own affairs and govern themselves; but the executive department of this Government has always, I think, unqualifiedly given the Filipinos to understand that when they are sufficiently developed financially, industrially, and politically to establish a stable form of government and maintain law and order, that this country will then withdraw its occupation, set them up as an independent people under a government established by themselves, and bid them Godspeed. I am not convinced that they are sufficiently advanced to do that now, and I am afraid they will not be at the end of eight years; but I hope to live to see the time when they will be, and to see the time when this country is honorably rid of them and out of this unfortunate and un-American entaglement. Therefore, it seems to me, that when that time comes, the fewer the interests of American citizens, directly or indirectly, in the lands, mines, factories, or in other respects, in the Philippines, the more promptly we can sever our relations with the islands.

I have always been opposed to any legislation or propositions which came before the House tending to involve our people in contracts or permanent business relations of any kind with the Filipinos, because I always feared that those people would exercise their influence in maintaining American sovereignty, which they might think would be to their advantage.

I distinctly recollect some years ago when a bill was up providing for mining contracts in the Philippines that it was opposed and voted down on the floor of this House under the impression, and because of the argument, that it might tie up the Philippines to us when the time should come when we otherwise would be willing and ready to sever our relations with them. I have always been opposed to spending large amounts of money in permanent fortifications and military establishments in the islands looking toward permanent occupation; and I have been in favor of securing either a small island or an advantageous place in a large island, with good natural harbors, on which we could establish our own improvements and maintain it permanently as a coaling, naval, and commercial station when we were ready to surrender occupation in the balance of the archipelago.

I was not very favorably disposed toward the provision in the Payne tariff law which opened our ports—the best in the world—to Philippine sugar and tobacco to a considerable amount, because I feared it would tempt the cupidity and enterprise of American refiners to go over there and buy up large tracts of sugar land, establish large plantations, and take advantage of that law in getting their sugar into this country free of duty. The expected happened, for it appears that very soon after the enactment of that law Mr. Poole, who is said to be a relative of Havemeyer and a member of the Sugar Trust, proceeded to buy in one lump this 55,000 acres of Philippine sugar land, and is proceeding to develop it as a great sugar plantation. Money is power the world over, and if other wealthy Sugar Trust magnates should be permitted to buy up large tracts of sugar land and establish their factories over there, they might, and perhaps would, oppose the discontinuance of American domination in the islands in their own interest.

Whatever may be said of American treatment of the Philippines in other respects, no one can claim that we took possession of them for the purpose of exploiting them or making money out of them. We subdued the people, it is true, and the loss of Philippine life and property in that process was tremendous; but aside from that our administration in the islands and our desire to help them and uplift them has been more generous, magnanimous, and liberal than in the case of any other colonizing or dominating power in the history of the world.

It was the wish of President McKinley that the islands should not be exploited. That has been the desire and wish of almost every American from that time to this, save those who went over there to make money.

The permission to Mr. Poole to buy this fifty or sixty thousand acres of land is contrary to the overwhelming sentiment of this country and contrary to the uniform policy of this country toward the Philippines since our occupation of the islands. The Congress owes it to the country and to itself to repudiate, as far as it can, that transaction, and to put itself on record against the permission of similar transactions in the future.

Our possession and occupation of the islands have been attended with enormous losses of money and some loss of life and property and much loss to the health of many of our citizens. But there is no use in crying over spilled milk. The past can not be changed; but we should at least demonstrate to the Filipino people and to the world that our conduct in the administration of the islands has not been actuated by selfish motives; that while we may have made mistakes, perhaps to their injury, those mistakes have not been due to any desire to make money out of them, either for this Government or for American citizens or corporations; and the enactment of this bill into law will be consistent in this regard with our treatment of them since our occupation.

Mr. OLMSTED. Mr. Speaker, I thought I had the floor.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, when, under the treaty of Paris, the Government of the United States acquired from the Crown of Spain some 60,000,000 acres of land, we were sufficiently generous to provide by act of Congress that those lands might be administered by the Philippine Government for the benefit of the Filipino people. A provision to that effect was made in what is commonly called the organic act, approved July 19, 1902.

Now, there has been a good deal of discussion as to what provision was made in that act with reference to the sale of the

friar lands, which, as I have already attempted to explain, are a very different proposition from what are called the public lands. The public lands sometimes in the act of 1902 are spoken of as "the public lands," but generally as "the public lands of the United States," and were never the inheritance of the Filipinos as has been stated. They never belonged to the Filipinos. They belonged to the Crown of Spain.

The United States purchased them. It had the right to do with them as it pleased. In the exercise of that right, and of a liberality and a generosity never before illustrated in any Government on earth, the United States gave those 60,000,000 acres of public lands which belonged to it to the Filipino people.

Now, in that same organic act of 1902 provision was made that the Philippine Government might purchase what are commonly called the friar lands, being some 400,000 acres of land which did not belong to the Crown of Spain, did not belong to the United States, did not belong to the Filipino Government, but were in the private ownership of certain religious orders, the Augustinians, commonly called the shod Augustinians by way of distinction from the barefoot Augustinians, the Recolletos, and the Dominicans.

Now, those lands were, about half of them, very thickly peopled. Upon about 200,000 acres of them there were living over 160,000 people. There are some of them near Manila and some of them near other big towns, and are rich, fertile, valuable lands. But the priests, the friars, who owned those lands, were in bad odor with the Filipino people. It seems that no native priest was ever admitted to their order. They sympathized with Spain. In the insurrection of the Filipino people against Spain the friars were understood to be in accord with Spain. The Filipinos had attacked the friars. They had killed about 50 of them. They had incarcerated a good many of them, and the others they had driven into Manila, where the Americans found them when they came to take possession of the islands. Now, as to the other half of these lands, they were, some of them, upon islands which were wild, unoccupied, untenanted; vacant, profitless lands, but we had to buy all of them in order to get any of them. The trouble was that the tenants on these friar lands finally refused to acknowledge the title of the friars at all. They would not pay rent. They simply lived on the land, denied the title of the actual owners, and refused to pay rent. The friars demanded either the rents or the possession of their lands, and the American Government found itself in all sorts of trouble between the friars and their thousands of tenants.

Under the authority of the act of Congress and under the skillful and diplomatic handling of the matter by William H. Taft, who was then in charge of the Philippines, arrangements were made whereby the Philippine Government became the possessor of the titles which had existed in the friars, and became the owners of the lands. In order to do that they had to issue $7,000,000 of bonds at 4 per cent, the annual interest charge being $280,000. They had no difficulty in arranging with the tenants, making peaceable, harmonious, orderly agreements with the 160,000 people upon one-half of those friar lands. They had no trouble with them. The agrarian and political troubles which arose out of the ownership of the friars have all passed away. The lands are disposed of all except about 125,000 acres. That is all there is of the friar lands remaining which anybody could pick up in any considerable tracts, and they are scattered through six different Provinces in different islands. Some of them are in Christian Provinces and some of them in non-Christian Provinces, inhabited by wild tribes.

This bill proposes that these friar lands shall be made subject to the same conditions which we imposed upon the disposition of the public lands by the Filipinos when we gave them the lands. I want to call attention again to the onerous conditions of those restrictions. No individual could buy more than 40 acres. The purchaser must live on that 40 acres continuously for five years, and during that time he could not sell the land, even though he had paid the full purchase price down in cash at the time of the transaction. He could not sell an inch of the land for five years. He could not borrow money on it to buy the water buffalo to cultivate it or to build a shack upon it. Now, who would buy 40 acres of land upon the Isabela estate, 100 miles from the seaport nearest to Manila, and that seaport 200 miles from Manila? Wild, desolate, uninhabited island, in a non-Christian province, peopled by wild tribes. Who would buy 40 acres there at any price if he had to go and live there for five years and could not sell or mortgage the land?

But in larger tracts those lands can be sold at fair prices. The difference between selling under the conditions applicable to the public lands and selling in larger blocks and without those onerous conditions of continuous occupancy, nonalienation, and nonencumbrance for five years is more than 4 to 1. They can get more than four times as much for those lands in large tracts and without these burdensome conditions as they can for the public lands.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. OLMSTED. Certainly.

Mr. MANN. I understood the gentleman to say that a person would not be able to sell the land or to mortgage it for five years. What is about the price at which those lands would sell?

Mr. OLMSTED. The public lands are offered at a price of something less than $2 an acre.

Mr. MANN. The friar lands?

Mr. OLMSTED. The friar lands have been sold at all the way from $6 to $722 an acre.

Mr. MANN. I understand that under the general law, in which the friar lands are to be included, if a man had money enough to pay half the price for the land he would not be able to borrow the other half to complete the payment.

Mr. OLMSTED. Should this bill pass he could not borrow a cent on the land, even though he paid the whole of the price cash down or if he paid half or a quarter. He is positively prohibited from selling or encumbering or alienating the land in any way. That is the law now as to public lands, and this bill proposes to extend it to friar lands.

Mr. MANN. Can they buy on terms?

Mr. OLMSTED. They can buy, payable in installments; but whether they pay in installments or pay cash down, they must live on the land continuously for five years, and can not sell or borrow money on it during that period.

Mr. MANN. If a man should buy a piece of land and pay the first two installments and then want to borrow money on his land and pay in full the balance, he would not be permitted to do so within five years?

Mr. OLMSTED. He would not. He could not borrow money on it in any way, shape, or manner during that period of five years.

Mr. JONES. Mr. Speaker, I think the gentleman from Pennsylvania is not discussing his amendment. I do not want to limit him, but this general question has been very fully discussed, and I would be glad if the gentleman would confine his remarks to his amendment.

Mr. OLMSTED. I will endeavor to do so within reasonable limits.

Mr. GREEN of Iowa. Will the gentleman yield for one more question?

Mr. OLMSTED. Yes.

Mr. GREEN of Iowa. Will the gentleman state what is the quality of the remaining friar lands compared with those that have been disposed of?

Mr. OLMSTED. Just as good lands as any that have been disposed of, but they are not so near the city, and for that reason are not quite so valuable. The remaining land is just as fertile, but will not sell for as much as the land near Manila, and would not sell quite as well because the police regulations are not so strict where the land is located. But as far as the fertility and value of the land goes for sugar, hemp, cocoanuts, or rice it is just as good as any land in the islands.

Mr. Speaker, I was about to call attention to the fact that when I asked the gentleman from Wisconsin whether there were these restrictions on the sale of the friar lands in the bill as originally reported from the Insular Affairs Committee, the gentleman from Wisconsin hesitated for a moment, and the gentleman from Virginia [Mr. JONES] answered that there were. Am I right?

Mr. JONES. I will say that I do not remember just what I said, but I would like to say now that there was in that bill a provision for purchasing these lands and disposing of these lands. It was not section 65. My recollection is that it was section 15, and my recollection is that when the bill went into conference the numbering of the sections was changed. It may not have been in the exact language of the present law. It may be that in conference there were some changes made, but there was a section providing for the purchase of the lands and for the disposition of them, and I think the section was numbered 15.

Mr. OLMSTED. Was there any limit on the number of acres of the so-called friar lands which might be sold to any one person?

Mr. JONES. That I could not undertake to say. I do not know just exactly how the section read, but I know that there was a section in the House bill and there was none in the

Senate bill. The point that I undertook to make was that the Senate had nothing in it on the subject, while the House prepared a bill which provided for the disposition of the lands and reported it as a substitute for the Senate bill. That bill went into conference, and quite a number of changes were made, and I know the numbering of the sections was changed, and it is entirely possible that changes were made in the verbiage of that section.

Mr. OLMSTED. I was not a member of the Committee on Insular Affairs at that time. I was appointed to that committee by Speaker Henderson on the 13th of May, 1902, just before the bill came up in the House. I have in my hand the report of the Committee on Insular Affairs on that bill, and I think that the gentleman from Virginia is correct in stating that the section for the purchase of these lands of the religious orders was section 15. Then, section 16 provided:

That the land acquired under the authority of section 15 of this act shall constitute a portion of the public property of the Government of the Philippine Islands, and may be granted, sold, and conveyed by the Government of said islands on such terms and conditions as it may prescribe.

There is not a word about 16 hectares or 40 acres, or any limitation whatever.

Mr. JONES. I would like to remark right there that that is a very strong argument in favor of our position. When the bill came from the House, according to the gentleman from Pennsylvania, it contained no limitations as to the land that could be sold, but in conference limitations were placed upon the sale, the limitations now in the law.

Mr. OLMSTED. That is the question. The provision relating to the purchase of these lands became section 65, and it does not say, as the pending bill does, that they shall be sold subject to the provisions pertaining to the public land, but upon such terms as the Philippine Government may by legislation prescribe, "subject to the terms and conditions of this act." There are a great variety of terms and conditions provided for the friar lands. If Congress had desired to impose the same conditions as on the public lands it seems to me that Congress would have said: "Subject to the same terms and conditions as are herein provided for the sale of the public lands." But that is neither here nor there; that time has passed. That act has been on the statute books for 10 years and we are now amending it.

Mr. JONES. Will the gentleman permit a question?

Mr. OLMSTED. Certainly.

Mr. JONES. The gentleman was a member of the committee when this bill was pending in conference, and he was a member of the committee when the conference report was made to the House and the bill was adopted. I would like the gentleman to state to the House why, in his opinion, that limitation which he has read was put in the bill at all, if it was not the intention of Congress to put limitations on it. Why did it not leave the matter as it left the House?

Mr. OLMSTED. It did. There are plenty of limitations provided that are applicable to the friar lands. For instance, that they may not be leased for a period exceeding three years. That shows an intention that they should be promptly sold. There is another provision that the money shall be put in a trust fund to pay off the bonds.

Then there is another provision that deferred payments shall bear the same interest as that paid on the bonds issued for the purchase of the friar lands. Another condition was that the money realized from the sale of the lands should constitute a trust fund and not go into the Treasury for general purposes.

There is no evidence at all that they intended to limit the holdings to 40 acres. Then there is another provision that corporations shall not hold more than 1,024 hectares, and another that the Government shall have certain rights of way over these lands.

There are a great many conditions named in the act to which they were thus made subject, but Congress did not in terms make them subject to the provisions in relation to public lands. It strikes me that that is significant. Had Congress wanted to impose those conditions it would have said so specifically. But it omitted to impose those limitations and conditions upon them.

Now, it has been contended by the gentleman from Virginia upon the floor of this House, and he is a lawyer for whose judgment I have great respect, that under section 15 of the organic act as it now stands public lands can not be acquired by a citizen of the United States. That section provides:

SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments—

And that answers the question of the gentleman from Illinois [Mr. MANN]—

shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

I call particular attention to the words "actual occupants and settlers and other citizens of said islands."

A citizen of the Philippine Islands—that term is defined in the organic act as follows:

That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then residing in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain.

And so forth.

Under that language a citizen of the United States is not a citizen of the Philippine Islands, and there is no provision of law by which he can become one. Now, it is the opinion of as good a lawyer as my friend from Virginia that under that law no citizen of the United States can acquire even 40 acres of public land in the Philippines.

Mr. JONES. Mr. Speaker, will the gentleman yield for a moment? The gentleman from Pennsylvania quotes me entirely correctly. That was the position which I held, and I still hold that position. I want to ask the gentleman if that was not the position taken by Judge Madison and two other Members of the majority in the Sixty-first Congress. I will ask if Judge Madison, whose opinion the gentleman quoted during this discussion, did not write a report in which he took precisely the same ground as I took, that the commission could not sell one acre of these public lands to any alien?

Mr. OLMSTED. I do not know exactly who would be considered an alien in the Philippine Islands.

Mr. JONES. To anybody other than a native of the islands.

Mr. OLMSTED. I think that he perhaps used the word "alien," and he drafted an opinion—I do not remember the exact opinion, but it was in harmony with the suggestion of the gentleman from Virginia.

Mr. JONES. So I was not alone in that matter?

Mr. OLMSTED. Oh, no; not at all.

Mr. MANN. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MANN. Is not the purpose of the gentleman's amendment to practically acknowledge the contention of the gentleman from Virginia and correct it?

Mr. OLMSTED. That is the intention. I want to remove all question, all doubt, and make it perfectly plain that a citizen of the United States may have the poor privilege of buying 40 acres of public land in the Philippine Islands if he so desires. It seems to me that it would be humiliating to the people of the United States if, after having given away these 60,000,000 acres of land to the Filipinos, we are to be deprived of the privilege of buying and paying for even the small allowance of 40 acres. While a citizen of the United States is not a statutory citizen of the Philippine Islands within the meaning and intent of the organic act of 1902, nevertheless we are not foreigners in those islands. A citizen of the United States is not a foreigner in any land over which the Stars and Stripes float in protection. [Applause.] Not being a foreigner, being under the protection of the same flag and of the same Government, what earthly reason can there be why a citizen of the United States shall be denied the privilege, either by the organic act or in this bill, of purchasing 40 acres of land and raising a coconut grove in the Philippine Islands if he so desires? The purpose of my amendment is to insure that privilege, and I will ask to have it read in my own time.

The SPEAKER. The Clerk will report the amendment again.

The amendment was again reported.

Mr. HILL. Mr. Speaker, will the gentleman kindly yield to me for a moment or two? I do not want to deprive the gentleman of his time.

Mr. OLMSTED. You mean for an interruption? Certainly.

Mr. HILL. Mr. Speaker, I have just heard the amendment read. I have not been here during the progress of the debate, but I have very distinct and clear ideas on this whole subject. I visited the Philippine Islands twice, was here during the original discussion when the organic act was passed, and had inserted an amendment in it on this very subject. I have visited most

of the large places in the entire archipelago. I rode for two days for 80 miles across the largest island of them all, Mindanao. I say as a business man that the wisest thing that could be done for the Philippine Islands is to have American capital go there and be invested, and preferably go there and be invested under the jurisdiction and control of the Filipinos themselves, and therefore this morning for a moment or two I questioned the gentleman from Wisconsin as to whether this bill met the approval of the Resident Commissioner from the Philippine Islands. I think the wisest thing that can be done is to allow the people who are now located on the friar lands to have those lands, buy them from the Government, and the Government take a mortgage back if the tenants have not the money to pay for them. That is the first proposition. That being so, it strikes me the wisest thing that can be done would be for the Filipino Government, the Government of the Filipinos themselves, in whom I have confidence, for I have met many of them—wise, intelligent, prudent, thoughtful, and patriotic men, loving their country just as much as I love the State of Connecticut—I would let them have unlimited control, without restriction, of the balance of these friar lands to sell in such a way as they, in their judgment, saw fit for what they believed to be for the best interests of the islands.

I would trust the two Resident Commissioners from the Philippine Islands with full control in regard to all the unoccupied friar lands, and I would equally trust the Philippine Legislature itself to do the same thing, believing that they would do that which was wise and best for their own country. And for us here, 10,000 miles away from the scene of operations, to attempt to control the situation out there, of which we can have little knowledge, is a piece of unwise legislation.

Mr. REDFIELD. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. REDFIELD. It is a pleasure, Mr. Speaker, to agree most cordially with every word that the gentleman from Connecticut [Mr. HILL] has said. The sad and regretful thing about the Philippine Islands is the awful poverty of the peasant farmer.

Mr. HILL. Absolutely.

Mr. REDFIELD. It is pitiful. It makes the saddest parts of the sad places in different parts of Ireland look like a garden blossoming as a rose. And it can not be told more clearly than in a few words which will contrast one of the nearest tropical countries with the Philippines.

If the gentleman will allow me a single moment, I would like simply to state in a few sentences the facts regarding Java on the one hand and the Philippines on the other. I had the pleasure of going from one to the other. Java, an island almost precisely the size of the State of New York, or of Pennsylvania, supports 30,000,000 people, and is a food exporter. There is not a man here that has not been familiar with Java coffee, Java sugar, Java tobacco, and a dozen other products of Java, and yet in that island, which is chiefly mountainous and the size of New York State almost precisely, they support 30,000,000 people and at the same time export food. In the Philippines, with every advantage that Java has, and more, where the country is less mountainous and as fertile, and her area more than double and her population but 8,000,000, she is a food importer. She can not feed herself. It is the poverty of the tao, of the Philippine farmer, which is the supreme and controlling factor in the Philippine Islands, and it is the curse of the islands that the "politico" holds that farmer in his grasp and uses him in his poverty and in his ignorance for his own selfish ends. [Applause.]

Mr. HILL. Mr. Speaker, the comparison of Ireland with the Philippine Islands is not a fair illustration. Ireland was under an English landowning aristocracy, and it is undoubtedly true that great areas of that country have long been held by individuals for the purposes of hunting and for game preserves, and not for cultivation. It is not so in the Philippines. For two days I rode through the island of Mindanao—and there are gentlemen here who can indorse what I say—and saw a soil as fine as anything under the heavens. We rode through grass so high that you could see nothing except the heads of your companions. There was a magnificent soil, which had been lying uncultivated from the dawn of creation until now. I do not care whether it is in 40-acre sections or in 40,000-acre sections, if you can get that country under cultivation and give the people employment, instead of allowing it to be occupied here and there by a little settlement of Moro Indians, and the larger part of the islands uncultivated and in virgin condition, it is the best thing you can do. It seems to me to be folly for us to legislate here, with prejudices formed under an entirely different condition of things, that they shall not sell their land except in 40-acre tracts. What is the purpose of it? It is to prevent outsiders from so-called exploitation of the islands. But the people do not cultivate them. They can not afford to do so. They have not the money to make great sugar plantations and great tobacco plantations. But if men will go in there and put in their capital and buy the land—I mean the public lands, and not the lands occupied by the individual citizen or Filipino to-day—but buy the public land now unoccupied and give these people employment, and take the Moros out of savagery and put them to work, it will do more to civilize, educate, and cultivate those people and build up and strengthen and enrich the islands than anything we could do. And for us here to enact restrictive legislation based upon entirely different conditions to those islands is making a fatal mistake, so far as their prosperity and advancement are concerned. Give them work at fair wages. Let the capital go in there.

I remember when the first bill was passed I put in an amendment in regard to the amount of land that could be secured, making the exception that irrigation companies should have the privilege of buying larger quantities, because, of course, an irrigation company can not work to advantage on a 40-acre tract. And that provision is still in the bill. Whom is it going to harm that a man should go down into Mindanao or Mindoro and buy thousands of acres of land and run a sugar plantation, where the land now is absolutely wild and unoccupied. Talk about conservation—I would rather conserve the people than conserve empty land. That is the kind of conservation I am for. And, gentlemen, I tell you, as honestly as anything I have ever believed in my life, that this legislation you propose to pass is a fatal mistake for the advancement of the Philippines.

Mr. OLMSTED. Mr. Speaker, the land area of the Philippine Islands is equal to that of all the islands that compose the Empire of Japan, with its 40,000,000 people. It is greater than the six New England States and New York and Delaware combined.

Yet we have this whole controversy raging here over an attempt to limit the sale of 125,000 acres of friar lands to tracts of 40 acres each. And gentlemen seek to deprive citizens of the United States from purchasing even 40 acres. These lands, according to the report of a Government official who has recently visited the islands, an official of the Agricultural Department, are the most fertile lands that he ever saw. There is no doubt about their fertility. And yet, adapted as many of them are to the cultivation of rice, and the people living, as the people of the islands do, largely upon rice, they did not raise enough last year to supply them with food. They imported rice of the value of over ₱7,000,000—more than $3,500,000—when every pound of it ought to have been raised there on the islands.

But you can not raise rice by modern methods on a 40-acre tract, and, of course, you can not make sugar by modern methods on 40-acre tracts. If there is anybody on earth to be benefited by this proposed legislation, it is the existing sugar-mill men. One of them, I am told, owns 14,000 acres of land in the Island of Negros. The sugar-mill men may be benefited by the maintenance of a monopoly, which would be interfered with if people could buy enough of these lands to start modern sugar centrales. It takes about a million dollars to establish a first-class sugar centrale, and when it is constructed it makes the production of sugar very much cheaper than by the old methods, utilizing 90 per cent of the juice of the cane, as against 60 per cent now realized in those islands.

There is no reason why those islands should not raise enough produce to support a population of 50,000,000, and yet they are not at present raising enough to feed themselves, because they do not know how. They need a few Pennsylvania Dutch farmers down there to show them how to cultivate their land. They need some Yankees there. They need to have some citizens of the United States there to show them what thrift is, to teach them how to make money, to earn money, and to save money, and how to make their lands produce.

The object of my amendment is to enable citizens of the United States to buy land there, even though they can buy it only in 40-acre tracts. What on earth is the objection to that?

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. OLMSTED. Certainly.

Mr. JACKSON. If I understand the gentleman's argument correctly, the settlement of large numbers of American citizens in the Philippine Islands would foreclose the possibility of Philippine independence, and make it absolutely necessary that American laws should be permanently established over them, would it not?

Mr. OLMSTED. That is on the assumption that the Filipinos themselves are not able to maintain a good government there.

Mr. JACKSON. Does not the gentleman believe that the argument of the gentleman from Connecticut [Mr. HILL] that the permission for the investment of large amounts of capital there would mean that the country must be permanently taken and governed by Americans?

Mr. OLMSTED. Oh, not at all. But I believe that it will be governed by Americans until such time as the Filipinos are fitted for self-government. I think that they would be fitted for self-government more quickly if they had a sprinkling of American citizens there to show them how to make the most of their natural advantages.

Mr. JACKSON. Does the gentleman believe that a greater amount of American capital would go there unless it were understood that the American Government would be permanent, or unless some arrangement for the neutralization of the islands would be agreed upon by the different world powers?

Mr. OLMSTED. If that is true, it is based upon the assumption that the Filipinos are not fitted for self-government and could not be relied upon to maintain a stable government. Yet a bill is pending now, and is liable to come up in the House any day, declaring for their independence.

The only objection that anybody could raise to my amendment is that anybody going there to the islands and investing capital would insist upon the maintenance of a stable government, and the belief that the Filipinos could not do that would tend to defer the action of Congress in granting independence to the people of the islands.

Mr. HILL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Connecticut?

Mr. OLMSTED. I do.

Mr. HILL. I dislike to interrupt the gentleman so frequently, but there are two things that the Filipinos have got to do: First, they have got to raise enough crops to live on; and, second, they have got to raise crops to sell. They raise hemp, and their land is adapted to the raising of sugar. This bill provides that the land shall be conveyed in tracts limited to 40 acres. What is a man who has got only 40 acres going to do with his cane?

Mr. OLMSTED. He is not going to raise much cane.

Mr. HILL. No; he is not going to raise cane.

Mr. OLMSTED. But this bill will tend to raise Cain. [Laughter.] A man with 40 acres of land is not justified in building a centrale, even if he had the requisite capital.

Mr. HILL. And he can not borrow the necessary capital.

Mr. OLMSTED. No; he can not. He is not permitted to mortgage or otherwise encumber his land for five years.

Mr. HILL. Would not such a man be better off if some one would go in and build a centrale and buy his cane from him? And is he not just as well off if somebody else comes in and buys the land and gives him steady work at good wages? If he owns the 40 acres of land and can not make it pay, he has got to sell it, whether he wants to or not. It seems to me he would be in a better condition if somebody else should own the land and employ him, if he has not got the capital himself.

Mr. OLMSTED. If I owned land in the Philippine Islands, and some one came along and built a centrale and offered to buy my cane, I should feel that he had at least doubled the value of my land. That has been the experience in Porto Rico, where French and English and American capital has built these large centrales, and thus manufactured sugar much cheaper than the Porto Ricans could.

They have purchased land enough to insure themselves a reasonable supply of cane and they buy the balance of the cane. They prefer to buy it, if they can, from the neighbors who own their own farms. They take all the cane that the people in the surrounding country can raise, and pay them better prices than they ever got for any other crops in the island. That island is more prosperous to-day than it ever was before. That ought to be the condition in the Philippines. People who wish to put their capital there ought to be permitted, as a good business proposition, to buy enough land to justify them in erecting sugar centrales, so that they may also buy the product of the 40-acre-tract owners all about them. Of course if it is the policy of the United States to prevent the sugar industry from being successful in the islands, then this bill is just the thing.

It is customary to speak of the Philippines as a bad bargain. I hear people say, "I wish we could get rid of the Philippines. We can not do it honorably, because they are not fitted for self-government, but I wish we could get rid of them as a bad bargain." Now, that depends. I am not here to say that the United States proposes to hold the Philippines indefinitely, but I do say that if the United States did propose to hold them, it could make them among our richest possessions.

Mr. REDFIELD. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. REDFIELD. There is one crop in the Philippine Islands, an increasing crop there, which, so far as I know, has never been mentioned here, certainly not during my brief presence in the House, the consideration of which is quite as important to the future of the Philippine Islands as sugar or rice or even hemp. I refer to the crop called copra. The dried meat of the coconut is at once an article of limited supply and for which there is an enormous demand. The demand is vastly larger than the supply known in the world. I went there as a business man to investigate, and as a result of that investigation I firmly believe that we have in the Philippine Islands a dependency, a possession, a sister State, call it what you will, more valuable, acre for acre, than any equal area of the continental United States. I believe that sincerely.

The cost of raising copra by the crudest method is approximately $13 or $14 a ton. The present market price is $72 or $73 a ton. There is not enough to be had. It goes chiefly to France, where it is used principally as a substitute for cream butter. When I was in the Far East one large English and one large American concern were both seeking to buy coconut oil, which is made from copra. Each wanted 1,000 tons, and could not get it. It is almost impossible to get enough. The coconut-oil works in Manila are about to be rebuilt. A gentleman is here in this country buying machinery for that purpose now. It is an immensely profitable and an absolutely certain crop. It needs almost no care. The only thing to be done is to wait eight years and then you will sell the product of your trees for a dollar per tree per annum to a Chinaman, who takes all the risk and does all the work. This is one of the great world food supplies. It is a joke to talk about raising it on 40 acres. The Filipino natives scratch their scanty acres with a wooden stick pulled by a long-horned carabao that suffers fearfully unless he can soak himself with water every two hours. That sort of plowing only scratches the top of the ground to a depth of 3 or 4 inches. If these men had irrigation they could raise two crops a year, which they now fail to do. Irrigation costs money, but by the help of it they could double their annual crop, and in some places could get three crops a year from their farms. But even so, to attempt to raise rice, hemp, sugar, or copra on 40 acres is an absurdity. We of the western world have attempted to legislate our occidental ideas for the benefit of an oriental people without realizing the great contradiction in economic conditions, in climate, and in every form of ethnic and religious relationship. We in a wild spirit of experiment and in a perfect spirit of imperialism have attempted to legislate for these oriental people, and it is an absurd proposition for us to say that a man there, under those conditions which we know so little about, shall own no more than so much land. As the gentleman from Connecticut [Mr. HILL] has so wisely said, it is absurd for us, living 10,000 miles away and who, perhaps, would not know copra when we saw it, who could not tell one grade of hemp from another, or one grade of sugar from another, who perhaps would not know a sugar mill from a sawmill, to say that a man, however hardy, however vigorous, however thrifty, shall own not more than 40 acres of land; not 41 acres, but 40. That is the law laid down by the great American people for the government of the Filipinos. That is republicanism, democracy, equality, call it what you will. Is it not absurd? [Applause.]

Mr. GARRETT and Mr. QUEZON rose.

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. I yield to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Did the gentleman from Pennsylvania catch clearly the question of the gentleman from New York [Mr. REDFIELD]? [Laughter.]

Mr. OLMSTED. Now I yield to the gentleman from the Philippines.

Mr. QUEZON. I should like to know if the gentleman from Pennsylvania will yield to me to make a few statements, for just two minutes.

The SPEAKER. The gentleman from Pennsylvania has five minutes remaining.

Mr. OLMSTED. The gentleman can get his own time after I sit down. I have but five minutes remaining.

Mr. QUEZON. Very well. I will not interrupt the gentleman now.

Mr. OLMSTED. I should be glad to yield, except that my time is so limited. I merely wish to call attention again to the tenor and purport and object of my amendment, which is simply to provide that citizens of the United States, who gave these 60,000,000 acres of land to the Filipino people, shall not be deprived of the small privilege of buying 40 acres there if they want to. I think it is humiliating to decree that a citizen of the United States can not hold land in any territory over which the flag floats. That is the purpose of my amendment. I want to

see whether this House is willing to vote that no American citizen shall be permitted to buy 40 acres of land formerly owned by the Government and still under the American flag. [Applause.]

PRELIMINARY STATEMENT AND RECAPITULATION RELATIVE TO THE PURCHASE OF THE FRIAR LANDS, THE LAW RELATING THERETO, AND THE FACTS INVOLVED IN THE SALE WHICH LED UP TO THE CONGRESSIONAL INVESTIGATION.

Mr. MARTIN of Colorado. Mr. Speaker, by the treaty with Spain concluded in December, 1898, the United States acquired the public domain of the Philippine Islands, amounting to some 60,000,000 acres of the total area of some 72,000,000 acres. Perhaps 40,000,000 acres of these lands were timbered and mountainous and are reserved from entry under the organic law of the Philippines enacted by Congress and approved July 1, 1902. Some 12,000,000 acres were in private ownership; some 5,000,000 or 6,000,000 were being or had been cultivated. Lands in the Philippines are measured by hectares, a hectare being, roughly, 2½ acres. I shall speak in acres. Of the privately owned lands some 400,000 acres, said by Mr. Taft and others to be among the richest in the archipelago, were owned or claimed by orders of friars, and were known as the frair lands. Sugar and tobacco were their principal products. After the acquisition of the Philippines there was found to exist a bitter controversy, of historical duration, between the tenants or occupants of these lands, some 60,000 tenant families in number, and the orders of friars, growing out of rival claims of ownership.

To remove this condition, which was considered inimical to the peace and welfare of the Filipinos, and for the professed purpose of getting these estates into the hands of the tenants or occupants, the United States successfully negotiated for their purchase; and in the organic act of the Philippines, already referred to, authority was given the Philippine Government to issue bonds, take over, administer, and dispose of these lands. Bonds in the sum, roughly, of $7,200,000 were issued by the Philippine Government, and by agreements entered into in December, 1903, these friar lands were taken over, and under the provisions of the organic act became the public property of the Philippines.

LIMITATIONS UPON LAND OWNERSHIP.

Section 15 of the organic act of the Philippines limited the quantity of the public lands which might be acquired by an individual to 40 acres and by corporations or associations to 2,500 acres. Section 75 limited agricultural corporations to the ownership of 2,500 acres. This was for the avowed purpose of preventing foreign exploitation. Sections 63 and 65, providing for, or rather enabling the Philippine Government, to purchase and dispose of the friar lands, subjected these lands to the limitations of the act. The Philippine Commission, by the public-land act passed October 7, 1903, subjected the public lands to the limitations contained in section 15 of the organic act, and by the friar-land act, passed April 26, 1904, subjected the friar lands to the limitations contained in the public-land act. These acts of the Philippine Commission, however, were merely declaratory of the organic law. Let it be borne in mind, once for all, that no act or omission of the Philippine Government could annul, set aside, or modify the provisions of the organic act, the constitution of the Archipelago. This is elementary and axiomatic.

THE ACTS WHICH RESULTED IN THE INVESTIGATION.

Notwithstanding these friar lands were taken over from their former owners for the express purpose of breaking them up in small holdings among the natives, and notwithstanding the limitations and safeguards thrown about their disposition by Congress, on November 22, 1909, the insular government entered into an agreement with one Edward L. Poole, who represented three purchasers, Horace Havemeyer, Charles H. Senff, and Charles J. Welch, stockholders and directors of the Sugar Trust, for the sale of the San Jose estate of 56,000 acres in the island of Mindoro. A final certificate of sale was issued on January 4, 1910, prior to which time, however, the prospective purchasers had taken the precaution to require no less a guarantee than the written opinion of the Attorney General of the United States to the effect that the friar lands were not subject to the quantity limitations in the public-land laws.

The cause of this precaution was that on September 3, 1909, a Mr. Hammond, of the law firm of Strong & Cadwalader, of New York, of which firm Mr. Henry W. Taft, a brother of President Taft, is now the leading member, and of which Attorney General Wickersham was a member before assuming his present position as Attorney General, had called at the Bureau of Insular Affairs, at Washington, with a view to negotiating for the purchase of friar lands and particularly of the San Jose estate, as stated in a letter written by Gen. Edwards, Chief of the Bureau of Insular Affairs, to Gov. Forbes, at Manila, on September 27, 1909. It is true that Gen. Edwards later appeared before the Insular Committee and stated that he did not believe Mr. Hammond had discussed the purchase of friar lands, but the following record evidence would appear to dispose of the latter contention:

EDWARDS TO CONGRESS. APRIL 11, 1910.	EDWARDS TO FORBES. SEPTEMBER 27, 1909.
Major McIntyre thinks Mr. Hammond did not bring up the question of the purchase of any special piece of property in the Philippine Islands, nor is he positive that he mentioned the purchase of land on the friar estates.	A representatives of a New York law firm, one of the best in New York, has visited this office in connection with the purchase of the San Jose estate in Mindoro.

INSULAR BUREAU SAID FRIAR LANDS COULD NOT BE SOLD IN BULK.

On the occasion of this visit on September 3, 1909, it appears that Mr. Hammond was informed by Col. McIntyre that the friar lands could not be sold because of limitations in the organic law of the Philippines enacted by Congress. At the time Mr. Hammond made this call Mr. Poole was in New York in consultation with Mr. Havemeyer and Mr. Welch preparatory to embarking for the Philippines to purchase sugar lands, Mr. Poole having had such connections with these parties in Cuba, and it being their desire to get in on the ground floor in the Philippines under the free-trade act about to pass Congress. Mr. Poole was to be accompanied by a Mr. Prentiss.

When Poole and Prentiss arrived in Manila they informed the insular officials that they had been advised by the Insular Bureau in Washington that the friar lands could not be sold in large tracts. They referred to the information given them by their attorney, Mr. Hammond. Thereupon Gov. Gen. Forbes cabled Gen. Edwards that Poole and Prentiss desired to purchase the San Jose estate, but had been informed by the Insular Bureau, of which Gen. Edwards is the chief, that it could not be purchased by an individual. Whereupon Gen. Edwards cabled Gov. Forbes that it was thoroughly understood in the Insular Bureau at Washington that the friar lands could be sold to an individual without regard to limitation as to area, and that when Mr. Hammond called it was not understood that efforts were being made to sell these estates.

I have already called attention to Gen. Edwards's self-contradiction touching the object of Mr. Hammond's visit to the Insular Bureau at Washington on September 3, 1909. While an utter lack of prudence was displayed by every official of both the American and insular administrations touching the sale of the friar lands, the purchasers appear to have been very cautious. Notwithstanding the assurances given them by all of the officials of the insular government at Manila and the Insular Bureau at Washington, they demanded in addition the written guaranty of the Attorney General of the United States.

WHY SUCH GUARANTY COULD BE ASKED.

Not every mere purchaser of a piece of land, it may be remarked in passing, is in a position to request the written opinion of the Attorney General of the United States to confirm his title, but it must be considered who these purchasers were. These purchasers were directors and stockholders of the Sugar Trust, and Mr. Horace Havemeyer, the son of the founder of the Sugar Trust, had retained Mr. Henry W. Taft as an attorney of record to defend him personally, and Mr. Henry W. Taft had also appeared as attorney of record to defend the Sugar Trust against criminal prosecutions by the Federal Government at a time when Attorney General Wickersham was a member of the law firm, and the firm had been paid fees aggregating more than $27,000 for these services, in which fees Mr. Wickersham participated. It does not appear even at this late day to have occurred to the defenders of the policy of the administration that even a Member of Congress could not have procured from the Attorney General of the United States an opinion of the character rendered in favor of the purchasers of the San Jose estate, or that the ordinary individual could not have gotten across the threshold of the War Department with such a request. Notwithstanding the failure of the Committee on Insular Affairs to properly characterize some of the factors involved in this transaction, I still adhere to the opinion expressed by me in seeking to bring about the investigation that only the persons and attorneys involved could have successfully taken up the negotiations for the purchase of these lands or could have secured the rendition of such an opinion.

INSULAR BUREAU CHANGES ITS MIND.

On October 22 Col. McIntyre wrote Mr. Hammond that the friar lands were for sale.

What caused Col. McIntyre to write this letter does not appear. There was no way in which I could make it appear. This was a congressional investigation. It was an inquiry by a committee of Congress into acts affecting the administration. It was an administration committee. The committee was pri-

marily interested in protecting the administration. The committee never saw an original document. It never saw an original cablegram or telegram. It accepted alleged copies. It accepted parts of alleged copies. These were usually furnished days after their existence was disclosed by the witnesses at the hearings. When it was disclosed that a document or writing of any kind existed, the witness would be asked if he would kindly furnish the committee with a copy. Sometime afterwards, maybe a day or maybe a week, the witness would kindly furnish the committee with a copy by delivering the same to the clerk, and it would then, without examination, be printed in the record. This, I believe, is the usual manner of congressional investigations and explains their uniform failure to ascertain the facts. If a lawyer were to conduct a case in court as the average congressional investigation is conducted, he ought to be disbarred for incompetence. As a rule, much more verity attends the proceeding in a justice court involving a disturbance of the peace of a $10-book account then attends the gravest and most important of congressional inquiries.

The principal exception under my observation to this rule was the Ballinger-Pinchot inquiry, in which both sides employed able counsel. Insistence upon the best evidence, insistence upon the original documents, destroyed the case of the administration in that investigation. There is no question whatever in my mind that had not Mr. Brandeis been employed to prosecute that investigation against the administration it would have been a failure. The President of the United States, the Attorney General of the United States, the Secretary of the Interior of the United States, and their subordinates conspired to suppress the evidence and deceive the committee; and but for the employment, the ability, and the persistence of Mr. Brandeis the conspiracy would have succeeded. I refer to the inquiry into the sale of the frair lands as an investigation, but I use this term merely as a convenience. The proceedings were merely a parody upon an investigation, conducted more in accordance with a political election contest than a judicial proceeding. Still, as I shall undertake to show, some results were produced.

THE TAFT FIRM DRAFTS A SUBSTITUTE.

On the next day after Col. McIntyre informed Mr. Hammond by mail of his discovery that the friar lands were for sale—that is to say, on October 23, 1909, Mr. Hammond wrote Col. McIntyre that—

after careful consideration and in view of the fact that it may be necessary for my former clients to request some discretionary action upon the part of the Government officials, I decided that they had better be represented by other counsel. Accordingly, the firm of Cravath, Henderson & De Gersdorff has taken up the matter.

I may say here that all of the facts to which I am referring may be established by reference to the hearings; but I am only making some preliminary statements which are necessary to a clear understanding of the results of the investigation which I shall discuss hereafter. I can not, therefore, take the time to quote all of the letters and cablegrams to which I have referred.

An attempt has been made to have it appear that Mr. Henry W. Taft's law firm withdrew from the negotiations for the purchase of the San Jose estate before it was consummated. The fact remains, however, that the law firm of Cravath, Henderson & De Gersdorff entered into the negotiations at the invitation of Mr. Taft's law firm; that upon their entry they were furnished all the information theretofore secured from the Insular Bureau, and that when Mr. De Gersdorff appeared in Washington on November 23, 1909, with a memorandum prepared from this information, and which memorandum was presented to the Attorney General and served as the basis of his opinion, the San Jose estate had already, and on the day prior, been sold to Mr. Hammond's clients. The firm of Cravath, Henderson & De Gersdorff rendered no actual service whatever in these negotiations. The record clearly shows that the agreement to sell had already been entered into.

While I am not able to prove it, I am satisfied that De Gersdorff came to Washington, upon cabled information of the sale from Manila, although it was pretended that his first knowledge of the sale was a newspaper cablegram shown him in the Insular Bureau. Like many other questionable transactions that have occurred, the truth will probably never be known until there is a change of political control in the department, and even then incomplete records will thwart the investigator.

On December 4 the Attorney General was asked for his opinion as to the validity of the sale, and on December 18 he issued the opinion declaring the friar lands not to be subject to the quantity limitations in the public-land act, which opinion was cabled to Manila on December 22. I have already stated that the final certificate of sale was executed on January 4, 1910. This summarizes the main features of the transaction as they were known at the time the Committee on Insular Affairs began its investigation. Some new and very interesting facts brought out in the investigation will be discussed later, and they will be the better understood for the foregoing recapitulation of the facts upon which the investigation was based.

SUBSTITUTE EMBODYING MINORITY FINDINGS IN FRIAR-LAND INVESTIGATION.

Mr. JONES. Mr. Speaker, I desire to be recognized to oppose this amendment. Nobody who has spoken seems to be on the other side. I do not care to speak on the bill, but I desire to oppose this amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I have a substitute to offer to the pending bill and all amendments.

The SPEAKER. Is the gentleman from Colorado opposed to this amendment of the gentleman from Pennsylvania?

Mr. MARTIN of Colorado. I am; and I have a substitute for the pending bill and all amendments. I am just as much opposed to the amendment offered by the gentleman from Pennsylvania as the gentleman from Virginia could possibly be.

The SPEAKER. The Chair thinks that the gentleman from Colorado under the circumstances is entitled to recognition.

Mr. JONES. All I ask is that the Chair will recognize me to oppose this amendment before the matter is disposed of.

The SPEAKER. Certainly; the Chair will be just about it.

Mr. MARTIN of Colorado. Mr. Speaker, I send to the Clerk's desk the following substitute for the pending bill and all amendments, which I desire to have read in my time as a part of my remarks.

The Clerk read as follows:

That section 15 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," be amended so as to read as follows:

"SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands of the United States in said islands, as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

Mr. MARTIN of Colorado. Mr. Speaker, if the Clerk will pause, I want to say at this point that my substitute, as far as read by the Clerk, is simply a reenactment of section 15 of the organic law of the Philippine Islands—that is, the public-lands section. There is no new material in the substitute until this point where the Clerk is about to begin reading, and I ask close attention of Members to the subsequent provisions of the section, which are new provisions proposed.

The Clerk continued the reading of the proposed substitute, as follows:

Provided further, That any and all sales or leases of public agricultural lands heretofore made, whether such lands were acquired under the treaty of peace with Spain or otherwise, to other than actual occupants and settlers and other citizens of said islands, are hereby declared to be null and void as contrary to the provisions of this act, and such lands shall escheat to the Government of the Philippine Islands, which escheat shall be determined by a legal proceeding in the name of the Government of the Philippine Islands, conducted in the supreme court thereof under the direction of the governor thereof, unless the grantees and lessees or their assigns shall surrender such lands to the Government of the Philippine Islands within a period of five years from the time this section as amended by this act goes into effect, and until the same is so surrendered said lands shall be subject to a graduated increase of taxation, being taxable at the end of one year at the rate of 5 per cent of the purchase price, and at the end of two years at 10 per cent per annum, and thereafter said rate of taxation on said lands shall increase annually at the rate of 50 per cent until the same is surrendered; and any such transaction that may be pending at the time this act as amended goes into effect shall be canceled by the Philippine Government; and said government shall return without interest to such purchasers or lessees or their assigns any amounts that have been paid, and shall cancel any notes or obligations issued in part payment, restoring them to the purchasers or lessees or their assigns under the instruments so canceled. Title to any such lands shall fully revest in the Government of the Philippine Islands, to be disposed of subject to the conditions and limitations of this act: *Provided further*, That all officers and employees of the Philippine Government, without regard to citizenship, are prohibited from directly or indirectly purchasing or leasing or becoming interested in the purchase or lease of any public lands, and all such sales and leases heretofore made are hereby declared to be null and void, and the Secretary of War is hereby directed to forthwith take the necessary steps to effect the restoration of said lands to the Philippine Government, including all such lands and interests therein acquired and held by such officers and employees through membership or shareholding in any association or corporation, which practice is hereby forbidden. Any officer or employee who hereafter violates this provision shall be forthwith removed from his office, and shall further be deemed guilty of a misdemeanor, upon conviction of which he may be punished by imprisonment for a period not exceeding one year, and by fine not exceeding $1,000, or both, in the discretion of the court.

Mr. OLMSTED. Mr. Speaker, I make the point of order that the amendment is not germane.

Mr. JONES. I was about to make the same point of order.

The SPEAKER. Will the gentleman state his point of order?

Mr. OLMSTED. The amendment is not germane to the bill. The bill amends section 65 of the organic act, and this is an amendment to section 15.

The SPEAKER. While the gentleman from Colorado is occupying the time, the Chair will examine the amendment.

Mr. OLMSTED. I will reserve the point of order.

The SPEAKER. The gentleman from Colorado is not discussing his amendment but the amendment offered by the gentleman from Pennsylvania. He had his amendment in the nature of a substitute read for the information of the House, so that he is entitled to an hour. In the meantime the Chair will examine the amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I want to say at this time that the gentleman from Pennsylvania is correct in stating that my substitute does go to section 15 instead of section 65, but it affects identically the same legislation, but it applies the remedy to the public-lands section instead of the friar-lands section. Now, I want to yield five minutes to the gentleman from the Philippine Islands [Mr. QUEZON].

Mr. QUEZON. Mr. Speaker, I almost congratulate myself that I am denied the right to vote, for if I had to vote on this bill after listening to the gentleman from Connecticut [Mr. HILL] and the gentleman from New York [Mr. REDFIELD] I would not know how to vote. [Laughter.]

Listening to the gentleman from Connecticut and the gentleman from New York I am inclined to believe that they favor the idea of allowing the Filipino people to decide for themselves what to do and what should be done with their lands. Listening to the distinguished gentleman from New York, I am inclined to believe that in his opinion Congress, 12,000 miles away from the Philippine Islands, can not wisely legislate for the Filipinos. I must say that I agree with the gentlemen that the Filipinos ought to be allowed to decide for themselves what should be done in regard to their own lands, and, with due respect to the wisdom of Congress, I also share the opinion that it can not fitly legislate for the Filipinos. We are striving for precisely this very thing, we are trying to be recognized as having the right of governing ourselves on the very ground stated by the gentleman from New York [Mr. REDFIELD], to wit, that Congress is too far away from the Philippines and does not know nor can it ever know as well as we do what is best for us.

But, Mr. Speaker, I would like to ask the gentleman from New York whether or not he, by what he said, means precisely that he approves of allowing the Filipinos to elect a legislature of their own and permit that legislature to decide upon the disposition of our friar and public lands? Is that his proposition? If so, I will say to the House that I am in perfect accord with the gentleman from New York.

But I fear, Mr. Speaker, that when gentlemen say let the Filipinos do what they want about their lands they mean let the present Filipino legislature, which is a body composed of the Philippine Commission—a branch appointed by the United States and the Philippine Assembly—let the present legislature decide for the Filipino people. Then I say in this particular case each house of the legislature has already expressed its views, and the opinion of the Philippine Commission is different from and opposed to the opinion of the Philippine Assembly. They do not agree. Then what should be done? I believe, Mr. Speaker, that Congress should do exactly what the Filipinos are asking it to do.

The Philippine Assembly, representing the Filipino people, is urging Congress to limit the sale of the friar lands and the public lands and all kinds of Government lands to 40 acres to an individual, and 2,500 acres to corporations. [Applause.]

Mr. Speaker, almost in every previous piece of legislation enacted by Congress the Filipino people have not been heard, and, if they have been heard, Congress has not done what they have asked Congress to do. This will be the first time, as far as I know, if Congress should pass this bill, that Congress will do exactly what the Filipinos want, and therefore every gentleman on the floor of this House who believes that the Filipinos know what is best for them and should be allowed to legislate for themselves ought to vote for the bill, because this bill is exactly expressing the will of the Filipino people.

Now, I want to make a statement regarding what the gentleman from New York said as to copra. It is true that copra is the most profitable crop of the Philippines, and because copra is the most profitable crop we do not want large sugar plantations in the islands. Why so? Because copra at the same time that it yields to the owner of land a great profit permits that such owner may be a small farmer, while the sugar industry is a monopoly of the rich. It is not correct to say——

The SPEAKER. The time of the gentleman has expired.

Mr. REDFIELD. Mr. Speaker, I ask that the gentleman's time be extended.

Mr. MARTIN of Colorado. Mr. Speaker, I have the floor and I will yield five minutes more to the gentleman from the Philippine Islands. I feel that this is his cause rather than ours, and I want him to have all the time he desires.

Mr. QUEZON. I thank the gentleman from Colorado. In the case of copra, Mr. Speaker, it is not correct to say that a man can not raise copra when he has only 40 acres. A man on 40 acres of land can plant 1,600 coconut trees, and 1,600 coconut trees will yield him a square and clear profit of $5,000 a year. Is not this a good income for a farmer?

Mr. FOWLER. And on 40 acres?

Mr. QUEZON. And on 40 acres. Is it not better to have every man in the Philippines raising copra on 40 acres of land, thus being a self-supporting landowner and therefore a law-abiding and conservative man—because every landowner is a law-abiding and conservative man, for he is interested in his country and in his land—is it not better, Mr. Speaker, to have every man in the Philippines raising copra on 40 acres of land than to have very large sugar plantations owned by foreigners, with Filipinos as peons working on the plantations and in the factories?

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. QUEZON. Certainly.

Mr. SHERLEY. Is it not true that you are bound to have your land on the seacoast in order to successfully raise coconut trees?

Mr. QUEZON. No, sir; you can raise coconuts most everywhere in the islands, on the seaside as well as in the interior, and you can get copra everywhere. Now, Mr. Speaker, I feel that I can discuss the subject of copra, because I come from a Province where the main crop is copra. I can inform the House that while in my Province of Tayabas we do not have very rich men, while there are not to be found men owning thousands and thousands of acres of land worked and farmed by hundreds and hundreds of unskillful laborers, we have, however, a great many well-to-do men, and every man owns his own land and raises his own coconut trees and makes his own copra; and if you would look at the statistics of the islands, you will find that there are few Provinces in the archipelago where the percentage of literacy is higher and the percentage of criminality is lower than in that Province. Certainly there is no Province in the Islands where the people at large are happier and more prosperous. On the other hand, in the Province of Negros, where there are large sugar plantations, while there are immensely wealthy men, yet the people in general are poor and ignorant. This is an object lesson that the Filipinos have in mind when they consider what should be done with their public domain. [Applause.]

The lands ought to be kept for the benefit of the majority of the people. It is the natural inheritance of the people and ought to be owned by the people. I am not at all in sympathy with the idea of making the Philippines mainly a sugar-producing country. I do not want to wreck the sugar industry——

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Colorado. I will yield five minutes additional to the gentleman, Mr. Speaker.

Mr. QUEZON. I do not want to destroy the sugar industry already established in the islands; but it is unnecessary, it is injurious, to dedicate new lands of the public domain or the friar lands to sugar plantations. President Taft, when governor general of the Philippine Islands, testifying before the Committee on Insular Affairs, said that it is injurious for the people at large to make the sugar industry the main industry of the Philippine Islands. We do not need to open more land for sugar purposes. To begin with, Mr. Speaker, we can not send to this country more than 300,000 tons of sugar free of duty, and the lands producing sugar in the Philippines already in private ownership are capable of raising more than 300,000 tons of sugar. What would be the result in allowing these large American corporations to go to the islands and be dedicated to the raising of sugar? Having the money, they can raise more cane and produce sugar more cheaply with their modern methods than the Filipinos can. The result would be that they will be the only ones producing sugar, and they will be the only ones sending to the United States the 300,000 tons free of duty. It has been stated that Congress established free trade between the Philippines and the United States as a generous treatment to the Filipino people. If we permit the creation of these sugar plantations that the Sugar Trust is trying to create in the Philippines, the Sugar Trust will be the only

one profited by the free trade between the United States and the Philippine Islands, and in this manner the purpose of the Congress, which is to benefit the Filipinos, will be entirely defeated.

These are the reasons, Mr. Speaker, why we do not want to open our lands for exploitation. [Applause.]

Mr. MARTIN of Colorado. Mr. Speaker, how much time has been consumed?

The SPEAKER. Twenty minutes.

THE SUBSTITUTE ANALYZED.

Mr. MARTIN of Colorado. The substitute which has just been read and which I shall not discuss in detail at this time, simply applies and carries into effect the findings and conclusions of the minority of the Insular Committee in the last Congress, which has now became the majority, in the investigation of land sales in the Philippines.

The minority found that the limitations upon the quantity of public lands which might be sold to an individual or corporation applied as well to the friar lands, and that all sales and leases of either public or friar lands to other than actual occupants and settlers and other citizens of the Philippine Islands, were forbidden by the organic law.

The committee also found that sales and leases of public and friar lands were being made to officials and employees of the insular government, including officials and employees of the land office itself.

The substitute I offer, instead of amending the friar-land sections of the organic law of the Philippines by constituting them a part of the public domain, and thus subjecting them to the limitations upon the sales of public lands, to wit, 40 acres to an individual and 2,500 acres to a corporation, and thus by implication admitting that the limitations do not now apply, and thus also by implication affirming sales heretofore made—instead of this, I say, my substitute affirms and declares the application of the limitations in the public-land sections to the friar-land sections, and declares all sales made in excess of these limitations to be null and void, and provides for the escheat of these excesses back to the Philippine Government, and forbids the sale or lease of any lands in the ownership or control of the Philippine Government to Philippine Government officials and employees.

This, in a paragraph, is the substance and effect of my substitute, and this is what the minority of the Committee on Insular Affairs in the last Congress, which has now become the majority, in its report declared the law to be.

ONLY CITIZENS OF THE PHILIPPINES ENTITLED TO PUBLIC LANDS.

I shall insert at this point in my remarks the following striking paragraphs from the report of the minority of the Insular Committee in the friar-land investigation, declaring the opinion of the then minority, now the majority, that all sales and leases of public lands to any persons other than native Filipinos, and many such sales and leases have been made, were in violation of the organic law.

It is a conceded fact that, assuming to act under authority of section 15, the bureau of public lands of the department of the interior in the Philippine Islands has "granted or sold and conveyed" to persons who are not "citizens" of those islands certain "parts and portions of the public domain" acquired by the United States from Spain, other than timber or mineral lands. Thus we are confronted at the very threshold of this investigation with the consideration of a grave legal question.

In our opinion there is but one construction to be placed upon the words "actual occupants and settlers and other citizens." They are in themselves clear and free from all ambiguity or doubt. There can be no uncertainty, we think, as to their true intent and meaning. Citizens of the Philippine Islands, and only such citizens, can, under the very letter of the law, acquire under the provisions of section 15 any portion of the public lands ceded to the United States by the Kingdom of Spain.

MINERAL LANDS OPEN TO CITIZENS OF THE UNITED STATES.

I shall also insert at this point some of the more striking paragraphs setting forth the clear reasoning of the minority upon this proposition, and I direct particular attention to the fact that, as pointed out by the minority, while section 15 of the act of July 1, 1902, being the organic law of the Philippine Islands, expressly limited sales and leases of the public lands to "citizens of the islands," as citizenship is defined in section 4 of the act, section 21 relating to mineral lands, and section 53 relating to coal lands, throw such lands open to "occupation and purchase by citizens of the United States or of said islands," thus, in the language of the committee, drawing a clear distinction between agricultural and mineral lands, and determining beyond dispute the intention of Congress to reserve the agricultural lands of the islands as the heritage of the natives, while permitting others than natives to enter and develop the mineral resources of the archipelago:

MINERAL LANDS OPEN TO AMERICANS.

It seems to us to be perfectly clear from a careful consideration of the purposes and objects obviously intended to be attained by the framers of sections 14 and 15, as well as from the explicit and unambiguous language employed in section 15, defining the persons who could purchase lands, that the sale of such lands, made under that section, is confined to citizens of the islands.

All doubt which may by anybody be entertained as to the correctness of this conclusion must, we think, be removed by an examination of the provision which relates to the sale of mineral lands, contained in section 21, to which reference has heretofore been made. It is therein declared that the public lands in the Philippine Islands in which "valuable mineral deposits" are found shall be open to "occupation and purchase by citizens of the United States or of said islands." A clear distinction is here made between mineral lands and agricultural lands. Citizens of the United States are permitted under section 21 to share with those of the Philippines the benefits which may be derived from the ownership of public lands in which there are to be found "valuable mineral deposits."

The ownership of agricultural lands for manifest reasons is, by the express terms of section 15, confined exclusively to the citizens of the Philippine Islands in their individual and corporate capacities. It is difficult to understand how this eminently just and proper policy with reference to the disposition of the public domain could be more clearly set forth and expressed when sections 14 and 15 are read and considered together, as they should be.

In further support of our interpretation of the meaning of the words "actual occupants and settlers and other citizens," as they appear in section 15, it may be added that the right to enter vacant coal lands is by section 53 expressly confined to persons who are citizens of the United States or of the Philippine Islands, or who have "acquired the rights of a native of said islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above."

If, therefore, for the above reasons, our contention is sound that the right to acquire, by purchase, agricultural public lands is confined to citizens of the Philippine Islands, then it must follow that all sales made of such lands to citizens of the United States or other aliens are illegal, any enactments of the Philippine Government to the contrary notwithstanding.

PERMITTING PHILIPPINE LEGISLATURE TO REMOVE LIMITATIONS A MISTAKE.

Mr. Speaker, it has been more than a year now since the investigation of the sale of the friar lands by Congress was concluded, and I have not since reviewed this matter or refreshed my recollection as to the facts. I believe, however, that, as the author of the investigation which stopped the sale of the friar lands in the Philippine Islands and resulted in this legislation, I ought to make some contribution to this discussion with reference to certain questions which I have heard mooted back and forth here and concerning which there seems to be a great deal of doubt, and upon which I possess some information that has not been imparted to the Members on this floor in the debate.

I want to say at the outset, however, Mr. Speaker, that I believe this House made a serious mistake this afternoon in adopting the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED], and that mistake, Mr. Speaker, was made unknowingly. It will appear in the RECORD of these proceedings that an amendment offered by the gentleman from Pennsylvania to empower the Philippine Legislature to remove the limitations from the sale of the friar lands was overwhelmingly adopted; and, Mr. Speaker, so far as numbers are concerned, that amendment was overwhelmingly adopted, but so far as an understanding of the possible effect of that amendment was concerned there exists no majority at all; and it is my belief that if that amendment had been debated 30 minutes in this House, and the possible results of it disclosed, it would have been defeated instead of adopted by such a majority. And I have no regret, Mr. Speaker, that my name will appear among the small minority of this House who cast a vote against the amendment of the gentleman from Pennsylvania [Mr. OLMSTED].

Now, Mr. Speaker, why do I say this? In the discussion in this House last Wednesday I heard such questions asked as these:

Are not the Filipino people in favor of the sale of these lands in large tracts?

Is not the Filipino Assembly itself in favor of the sale of the friar lands in large tracts?

Did not the Filipino Assembly knowingly pass amendments to the friar land act removing the limitations and permitting sales in large quantities?

And there are gentlemen in this House who are under the impression at this moment that the Filipino Assembly did knowingly pass acts removing the limitations from the friar lands and permitting the sales that have already taken place. And I want to say to you, gentlemen, that the same representation was made to the Committee on Insular Affairs which investigated the sales of the friar lands. The heads of the Philippine Government came before that committee, and as one of their principal defenses set up the passage of these amendments to the friar land act by the Philippine Assembly, removing these limitations.

I am going to take the time to read a little colloquy that occurred before the Committee on Insular Affairs when Mr. QUEZON, the Resident Commissioner from the Philippine Islands, appeared before the committee, which will go to raise the presumption that the passage of those amendments by the Philippine Assembly was nothing short of a deliberate and

premeditated fraud upon that body, that the members never knew they were passing such acts, that they never contemplated such a result, and when they learned of the construction that had been placed upon those acts they overwhelmingly and unanimously repudiated them.

Now, listen to this:

Mr. MARTIN. When did you first learn that such a sale as that of the San Jose estate could be made under the law?
Mr. QUEZON. I never learned of it.
The CHAIRMAN. Mr. Martin, I do not think that is of any importance.

Mr. Speaker, I am willing to let the dead past bury its dead so far as that investigation is concerned. But it is rather significant that the third line I have read, and without premeditation upon my part, contains that injunction:

The CHAIRMAN. Mr. Martin, I do not think that is of any importance.

Such observations as that, Mr. Speaker, were only too plentiful during this alleged investigation. I do not believe a more one-sided, unequal contest was ever waged before a committee of Congress than the struggle made by myself in the investigation of the sale of these friar lands before the Insular Committee during the last Congress, when, even before the report of that committee had been signed, there appeared in the patent insides of the papers published in my district a résumé of the alleged facts, showing the great expense to which I had put the Government, and how the insular officials had been vindicated and I had been completely discredited as to the result of the investigation, and statements to that effect.

I want to say, Mr. Speaker, I think the result of that investigation fully justified my efforts. Here is some justification of it from an address of the Hon. Jacob M. Dickinson, Secretary of War, delivered at the popular banquet given by the Filipino reception committee at the Hotel de Francesco at Manila on the evening of November 2, 1910.

Secretary Dickinson said:

I will state generally as to the friar lands that at the time the contracts were made for other sales in larger amounts it was not supposed that there would be any objection. The main idea was to reduce the bonded debt as rapidly as possible. Now that opposition has been declared and the matter is under investigation in Congress, no sale of these lands in large quantities will be authorized until the situation is fully developed.

INVESTIGATION STOPPED SALES AND FRUSTRATED POLICY OF EXPLOITATION.

And, Mr. Speaker, there have been no large sales made from that day to this. And while I am not a man of any exaggerated idea of my own importance, and although I do not think I suffer from an undue amount of conceit, yet I do think there is nothing particularly discrediting in the fact that a new minority Member of this Congress, serving his first term, with the national administration arrayed against him, with the insular government arrayed against him, with the Insular Bureau in the War Department arrayed against him, and with the majority of the committee and of the House arrayed against him, was successful in stopping and defeating the exploitation of the Philippine Islands. [Applause on the Democratic side.] I am willing, Mr. Speaker, to rest on what I have gotten out of it and to stand the discredit for what they say I did not get out of it.

PRESIDENT PROPOSES TO REVIVE POLICY.

I might properly add as another testimonial to the effectiveness of my campaign against the sale of the friar lands the following paragraph from the message of the President of the United States to the Congress on December 21, 1911, in which the President refers to the suspension of sales as the result of the friar-land investigation and warns Congress of his intention to resume the practice. The pending bill is the answer of the Insular Committee of the House to the message of the President, and it is notice to the exploiters that in purchasing these lands they are acquiring lawsuits instead of indefeasible titles. The paragraph from the President's message follows:

FRIARS' LANDS.

Pending an investigation by Congress at its last session, through one of its committees, into the disposition of the friars' lands, Secretary Dickinson directed that the friars' lands should not be sold in excess of the limits fixed for the public lands until Congress should pass upon the subject or should have concluded its investigation. This order has been an obstruction to the disposition of the lands, and I expect to direct the Secretary of War to return to the practice, under the opinion of the Attorney General, which will enable us to dispose of the lands much more promptly and to prepare a sinking fund with which to meet the $7,000,000 of bonds issued for the purchase of the lands. I have no doubt whatever that the Attorney General's construction was a proper one, and that it is in the interest of everyone that the land shall be promptly disposed of. The danger of creating a monopoly of ownership in lands under the statutes as construed is nothing. There are only two tracts of 60,000 acres each unimproved and in remote Provinces that are likely to be disposed of in bulk, and the rest of the lands are subject to the limitation that they shall be first offered to the present tenants and lessors, who hold them in small tracts.

MR. TAFT ON BOTH SIDES OF QUESTION.

The President in his message above quoted, it will be noticed, says that he has—

no doubt whatever that the Attorney General's construction was a proper one.

Referring thus to the opinion of Attorney General Wickersham holding that the limitations upon the public lands in the Philippine Islands do not apply to the 400,000 acres acquired, or, rather taken away, from the religious orders.

The President, by one of those chameleonic changes for which he has become noted and which render it difficult, if not impossible, for the observer to determine at any given moment whether the President is going or coming, appears to have changed his mind about what is right and best for the Philippines, since he made the following statement in his special report on the Philippines to President Roosevelt on January 23, 1908:

Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants, and a large population of unskilled labor, with no small farming or middle class, tending to build up a conservative, self-respecting community from bottom to top.

In fairness to the President, however, it should be said that he maintained one and the same opinion with respect to this matter for a longer time than usual, as appears from the following statement made by him as civil governor of the Philippines before the House Committee on Insular Affairs on February 26, 1902, at which time the able and distinguished gentleman from Wisconsin, Mr. COOPER, was chairman of that committee:

There is no desire on the part of the commission to have that kind of exploitation which will lead to the ownership of principalities in the islands by a corporation.

As conclusively showing the attitude of Mr. Taft and others with reference to the purpose of this Government to take over the friar lands and dispose of them to the natives, I take the liberty of quoting from my speech of June 13, 1910, Sixty-first Congress, second session, entitled "Exploiting the Philippines":

MR. TAFT BEFORE THE SENATE COMMITTEE—THE FRIAR LANDS FOR THE FILIPINOS.

On February 7, 1902, Gov. Taft was before the Philippine Committee of the Senate, and in his testimony elucidated his ideas concerning the disposition of the friar lands, his testimony being in accord with the recommendations made by the Philippine Commission, as is illustrated by the following testimony from pages 178–179 of the hearings:

The CHAIRMAN. In this connection, as we have got onto the matter of what is necessary for the commissioners to do, I wish to ask if you consider it very important for the general welfare and pacification of the islands that we should buy the friars' lands or make arrangements to give them back to the actual settlers at the earliest moment?
Gov. TAFT. Yes, sir; I do. I do not think there is any one thing which Congress has been invited to do in the report that is more immediately important than that. * * * Now, I think it may be said generally, as we said in our first report, that the title of the friars to those lands is, as a legal proposition, indisputable. If we can buy those lands and make them Government lands, and in that way separate in the minds of the tenants the relation of the friar to the land, and say to the tenants "we will sell you these lands on long payments, so that they will become yours," I believe we can satisfy the people and avoid the agrarian question which will arise when our Government is appealed to to put into possession of those lands the people who own them.

From the above it will be noted that Gov. Taft's understanding was that these friar lands were to be made "Government lands," presumably to be merged with and treated the same as other Government lands, which had been ceded to the United States by Spain.

On February 28 Gov. Taft was before the Insular Committee of the House and reiterated what he had said before the Senate committee. From page 223 of these hearings we read:

Mr. MADDOX. If I understand you, from what I have heard you say I gather that you think it would be cheaper for the United States to undertake to buy these lands than to restore them to their owners?
Gov. TAFT. I do; what I mean is, if we buy the lands we put the title of the Government between the friars and the subsequent disposition of the lands, and that then the Government may, by liberal terms to the tenants, enable the tenants, by payments strung over a long number of years, to become the owners of the land. The payments can be arranged so that not much more than the rent would nevertheless pay for the land. And in that way I think the insular government could probably be made whole or nearly so. I think the plan proposed by the commission as adopted in the bill introduced by Mr. COOPER contemplates the establishment of a sinking fund out of the proceeds of the sales of the lands to the tenants to meet the bonds.

Neither the reports of the Philippine Commission, the report of the Senate Committee on the Philippines, nor the testimony before the Senate and House committees contain a line to indicate that such an outcome as the sale of the San Jose estate was thought of or contemplated by any witness, officer, or public official.

Besides the members of the Senate Committee on the Philippines, those whose testimony or reports have been quoted to the exact contrary include Jacob Gould Schurman, George Dewey, and Charles Denby, of the Schurman-Worcester Philippine commission; William H. Taft, Luke E. Wright, Henry C. Ide, and Bernard Moses, of the Taft Philippine Commission, and ELIHU ROOT, Secretary of War. It was on the printed utterances of these reputable and prominent men that Congress had to rely, and the opinion of the Attorney General that the intent was that these friar lands need not be held for and divided up amongst the Filipino people, but that they could be sold off in 55,000-acre tracts to Havemeyer and other syndicates, thereby giving them the opportunity to reestablish a system of absentee landlordism, which had been mainly responsible for the various insurrections that had occurred in the islands for the preceding 30 years, is tantamount to accusing some or all of these men of bad faith. Can it be presumed for one moment that Congress would have authorized the issue of over $7,000,000 worth of 4½ per cent bonds to purchase the friar lands if Congress at that time had before it the draft of the contract which the Philippine Government since has made with the Havemeyer syndicate and the opinion of the Attorney General confirming that contract?

Mr. Speaker, I think, if the truth were known, that Mr. Taft's present opinion as to what is the law in the Philippines touching limitations upon the sale of the friar lands is not of any more ancient date than his opinion as to the best policy to be pursued with regard to the genuine welfare of the Filipino people; and if Mr. Taft wants to take the position now that he has no doubt about the legality of the sale of Philippine lands in tracts of 50,000 acres, when for years as Secretary of War he kicked his toes about the committee rooms of Congress to secure an amendment to the organic law of the Philippines permitting the sale of as much as 10,000 acres, he has my permission to do so; and he will not be any more variable and inconsistent than he has been upon much more important matters directly and vitally affecting his own country.

FOOLING THE FILIPINOS.

But to return to my colloquy with Mr. QUEZON, touching the manner in which the Filipino Assembly was induced to repeal the limitations on the friar lands.

As I have said, I am willing to "let the dead past bury its dead" on that investigation. I think we ought to be willing to make allowance for congressional investigations, anyhow. [Laughter.] I think a man ought hardly to anticipate, when he starts anything like that, that he is getting into any kind of judicial proceeding [laughter], and if any Member is laboring under such a delusion and will call on me, I will give him a lot a valuable inside information on that subject. [Laughter.]

Mr. QUEZON. It never occurred to me, Mr. MARTIN, personally, that the sale of the San Jose estate could be made under the present law. I am expressing my personal opinion.

Mr. MARTIN of Colorado. When did you first hear that it had been sold?

Mr. QUEZON. When you presented one of your resolutions.

Mr. MARTIN of Colorado. You did not know that the San Jose estate had been sold until I discussed it on the floor of the House of Representatives?

Mr. QUEZON. No, sir.

Mr. MARTIN of Colorado. On the 25th of March, 1910?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. And you did not know that it could be done?

Mr. QUEZON. No, sir.

Mr. MARTIN of Colorado. Were you a member of the Philippine Assembly in 1908?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. Were you the floor leader of the Nationalist Party?

Mr. QUEZON. Yes, sir.

By the way, that was the majority party that controlled the Philippine Assembly, of which Mr. QUEZON was the floor leader at that time. The colloquy goes on:

Mr. MARTIN of Colorado. Were you a member of the Philippine Assembly when the amendatory act of June 3, 1908, to the friar-land act was passed?

Mr. QUEZON. I was a member of the Philippine Assembly.

Mr. MARTIN of Colorado. At that time?

Mr. QUEZON. Yes, sir.

Now, Mr. Speaker, just briefly, this amendatory act of June 3, 1908, referred to, was the act of the Philippine Assembly under which these sales were made. The construction of that amendatory act, which was passed unanimously by the Philippine Assembly, was the step that opened the doors to the sale of these lands in bulk.

And just while I am mentioning that opinion of the attorney general of the Philippine Islands and looking across the aisle at my friend from Kansas [Mr. MURDOCK], I recall that within six weeks, before I received the information that started me to work and resulted in this investigation—I think I am violating no confidence when I say I was walking across the plaza to the Capitol one day with the gentleman from Kansas when we got to discussing the opinions of the Attorneys General of the United States, and he said to me, "MARTIN, if you ever get time you will find it a profitable and interesting study to look up the opinions of the Attorneys General of the United States. You will find that they invariably found the way out or the way in for the special interests to violate the laws of this country." [Applause.]

I do not say the gentleman put it exactly in those terms, but it has been the opinions of the Attorneys General that have made the hog holes through which the hogs found egress and ingress, as their interests might be, in the Federal statutes of the United States.

I did not dream at that time that within six weeks I would find an opinion by the Attorney General of the United States, as to which, if there can be any question about the legal proposition involved, there can certainly be no question with reference to the policy involved. In other words, even though it can be pleaded for the Attorney General—and this is all that can be pleaded for him—that Congress failed to effectuate its intent, and he found a technical defect in the law which he interpreted to the advantage of the people who wanted to violate the law, yet there can be no question whatever but that it was the policy of this Government, it was the purpose and the intent of this Government, to prevent the sale of Philippine lands in bulk, and such sale of these friar lands above all other lands, Mr. Speaker. If there were any lands the alienation of which was sought to be prevented—alienation in the manner in which this estate was sold—it was these particular lands which had been cultivated, which were largely near centers of civilization, rather than the great wild, outlying tracts where the Filipino natives, perhaps, were not fitted to go and did not have the means to go.

ABSURD TO CONTEND THAT FRIAR LANDS NOT PROTECTED.

Mr. Speaker, it is an absolute absurdity, in my judgment, to take the position at this day that these friar estates were forcibly taken over in large tracts from their original owners for the purpose of turning them back to other large owners. If there is any one fact connected with the history of these lands that stands out clearly, distinctly, and above dispute it is, as succinctly stated by the gentleman from Wisconsin [Mr. COOPER] to-day, that they were taken over for the purpose of being broken up into small holdings among the native people of the Philippine Islands. There is no question about that, and I believe, as the gentleman from Wisconsin [Mr. COOPER] believes, that it was never in the mind of any man, it was never in the mind of the present President of the United States, it was never in the minds of the heads of the Insular Bureau, that such a thing as the sale of the San Jose estate, a tract of 56,000 acres, to one man was possible under the law.

Mr. Speaker, why should the President of the United States, when he was Secretary of War, have knocked at the door of Congress, session after session, to enlarge the limitations of the public-land act; why should the Philippine Commission in their annual reports have ever recommended the enlargement of the quantities of land that could be acquired, if they already had hundreds of thousands of acres of land there that could be disposed of in unlimited quantities? And, mind you, no such quantity as 56,000 acres was ever suggested. The maximum recommendation I have ever been able to find was 25,000 acres, and that only once. Most of the recommendations ran only to 10,000 or 15,000 acres. None of these estates were sold in bulk until the fall of 1908, four years after we acquired them. And yet gentlemen would put the Philippine Commission in the attitude of knocking at the doors of Congress for permission to sell 10,000 acres of land in one tract when they had three or four hundred thousand acres that they could sell in one tract, or in such quantities as they saw fit.

I say to such gentlemen I have searched this record as few other men have—I would not say as no other man has—and I defy any man on the floor of this House; I defy any man living and walking on the top of God's earth to point me to one utterance of record anywhere which indicates that the thought existed in the mind of any man that such a transaction as the sale of the San Jose estate could have been consummated in all the years prior to the time it was consummated. No such thing exists. I know there are gentlemen on the other side of this question who are able, well-posted men, who have studied the case exhaustively; but I do not feel any hesitancy in defying them to point out to me a single utterance to the contrary of what I have said. On the other hand, the record is full of facts and utterances going to show that everybody thought, up

to the time the disclosure came here in Congress, that these lands could not be sold in bulk as they have been sold.

SENATE BILL AS INTRODUCED AND AS AMENDED.

Mr. Speaker, it is a singular fact that at this day there should be any controversy as to the plain intent of Congress to subject the friar lands to the limitations of the public-land act. In order to set at rest any controversy on this point, I submit the following results of my own investigation, in which I went to the document room of the United States Senate and there carefully read every copy and reprint of the Philippine Government bill from first to last, carefully noting the language of the act as first introduced in the Senate with reference to the friar lands, and in each succeeding print as the bill was acted upon in committee or in the Senate from time to time, down to and including its final passage by the Senate. I find that on January 7, 1902, Mr. LODGE introduced Senate bill 2295, it being the original of the act of Congress of July 1, 1902. At that time the public-land sections of the bill were 10 and 11, and the friar-land sections were 50 and 51. Section 51 read as follows:

That all lands acquired by virtue of this amendment shall constitute a part and portion of the public property of the Government of the Philippine Islands and may be leased, let, sold, and conveyed by the Government of the Philippine Islands on such terms and conditions as it may prescribe—

the limiting clause, which now appears in the friar-land sections, not then appearing.

On March 31, 1902, Mr. LODGE reported Senate bill 2295 with amendments. The friar-land sections were unaltered, except that section 50 was divided into two sections, and in the amended bill the three friar-land sections were numbered 64, 65, and 66.

On April 18, 1902, the bill was amended in Committee of the Whole as reported by Mr. LODGE, with amendments, on March 31, 1902, the friar-land sections therefore remaining the same as reported on March 31, 1902.

On May 28 and 29, 1902, the bill was considered and amended in Committee of the Whole. Mr. LODGE from the floor offered the limiting clauses at the places and as they now appear in sections 63 and 65 of the act of Congress. Just prior to that the Senate had adopted an amendment limiting single homestead entries to 40 acres in extent, or its equivalent in hectares. At all stages of the bill in the Senate the land sections were replete with drastic limitations, which therefore destroys the contention that at the time the limiting clauses were inserted in sections 63 and 65 there were no land limitations in the act.

LIMITING AMENDMENTS OFFERED BY MR. LODGE.

I shall also insert at this point the amendments offered by Mr. LODGE, limiting single homestead entries to 40 acres and affixing the conditions and limitations of the entire act to the friar-land sections, just as the same appear in the CONGRESSIONAL RECORD of the Fifty-seventh Congress, first session, at pages 6082–6083:

Mr. LODGE. In section 11, on page 7, line 15, after the word "provided," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 11, on page 7, line 15, after the word "provided," it is proposed to insert:

"*Provided*, That a single homestead entry shall not exceed 40 acres in extent or its equivalent in hectares."

The amendment was agreed to.

* * * * * * *

Mr. LODGE. In section 64, on page 38, line 11, after the word "authorized," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 64, on page 38, line 11, after the word "authorized," it is proposed to insert the words "subject to the limitations and conditions prescribed in this act."

The amendment was agreed to.

Mr. LODGE. In section 65, on page 38, line 21, after the word "parcels," I move to insert the words "and in such manner."

The amendment was agreed to.

Mr. LODGE. In the next line, line 22, after the words "affect the," I move to insert the words "peace and," so as to read "affect the peace and welfare of the people of the Philippine Islands."

The amendment was agreed to.

Mr. LODGE. In section 66, on page 40, line 4, after the word "prescribe," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 66, page 40, line 4, after the word "prescribe," it is proposed to insert "subject to the limitations and conditions provided for in this act."

The amendment was agreed to.

Mr. LODGE. In line 5 of the same section and on the same page, after the word "purchaser," I move to insert the words "of any parcel or portion of said lands."

The amendment was agreed to.

Without respect to party, every Member of the Senate seemed to realize that desperate attempts would be made by unscrupulous exploiters to enslave the natives and use them as a means to wrest the wealth of the Philippines from the Filipino people. The fear was that the unscrupulous exploiters would enlist unscrupulous Philippine officials under their banner and that that combination would plunder the islands and their people. The Senate had had the bill under consideration for nearly five months and had strengthened it at every point where its Members could conceive it possible that a loophole might exist.

Notwithstanding the fact that exceptional care had been exercised in framing and amending the land sections of the bill, the Senate still was apprehensive that some day the government they were creating in the Philippines might be led to defy the will of Congress and trample the law under their feet, and so, on June 2, the Committee on the Philippines decided to eliminate all risk of such a denouement by so amending the bill as to prohibit the sale or lease of land to corporations and to forbid the organization of corporations to engage in agriculture, as will be seen from the following extracts from the CONGRESSIONAL RECORD, page 6151:

Mr. LODGE. At the top of page 11 I move to strike out the words: "Nor more than 5,000 acres to any corporation or association of persons," and to insert: "But no such land shall be leased, let, or demised to any corporation until a law regulating the disposition of the public lands shall have been enacted under the provisions of section 12."

Mr. HOAR. By whom is that law to be enacted?

Mr. LODGE. By the Philippine Commission, to be drafted and submitted to the President for his approval, and to Congress. It can not become a law without the approval of Congress.

Mr. HOAR. Is there any objection to putting in the amendment "and approved as herein provided"?

Mr. LODGE. "Enacted and approved." That is all it means, and I have no objection to that.

Mr. ALLISON. "As provided in section 12," I would say.

Mr. LODGE. Yes; "as provided in section 12."

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. On page 11, lines 1 and 2, strike out the words:

"Nor more than 5,000 acres to any corporation or association of persons."

And insert:

"But no such land shall be leased, let, or demised to any corporation until a law regulating the disposition of the public lands shall have been enacted and approved as provided in section 12."

The amendment was agreed to.

[CONGRESSIONAL RECORD, June 2, 1902, pp. 6154–6155.]

Mr. LODGE. I send to the desk an amendment to section 79, on page 50, which I ask to have read.

The SECRETARY. In section 79, on page 50, line 9, after the word "created," it is proposed to strike out:

"And every corporation authorized to engage in agriculture shall, by its charter, be restricted to the ownership and control of not to exceed 5,000 acres of land; and this provision shall be held to prevent any corporation engaged in agriculture from being in anywise interested in any other corporation engaged in agriculture."

And in lieu thereof to insert:

"No corporation shall hereafter be authorized to engage in agriculture until and unless provision shall be made therefor under the law regulating the disposition of the public lands enacted in accordance with the provisions of section 12."

Mr. BACON. I wish the Senator from Massachusetts would explain exactly what is the change that is made in that amendment.

Mr. LODGE. It makes it correspond with the change made in the section with regard to mining lands; that is, that there shall be no land granted to any corporation for agricultural purposes until land laws shall be drafted by the Philippine Commission and shall have been approved by the President of the United States and submitted to Congress.

Mr. BACON. Do I understand from that that it does away with the provision which contemplates the leasing of lands in the Philippine Islands?

Mr. LODGE. That has already been taken out.

Mr. BACON. I did not know that.

Mr. LODGE. This simply provides that there shall be no grant to any corporation at any time, unless provided by law.

Mr. BACON. Do I understand that the entire section which contemplates the leasing of 5,000 acres of land to corporations has been eliminated?

Mr. LODGE. That has been entirely eliminated and remitted to future decision under the land laws.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

In addition to the foregoing quotations from the CONGRESSIONAL RECORD, the Senate debates are replete with statements showing that Senators feared the exploitation of the Philippines, no matter how strictly safeguarded, and were anxious to insert in the bill every practicable proviso to insure against such a policy.

And yet, at this late day, and after the worst fears have been realized, and after the policy of this Government touching its sacred trust in the Philippines has been violated, Members are heard to stand upon the floor and question whether it was ever the intent of Congress to safeguard the Philippines against exploitation.

THE LAW OF THE CASE.

Before dismissing the legal question I wish to refer briefly to the law of the case as argued by the law firm of Ralston, Siddons & Richardson, of Washington, which furnished the Committee on Insular Affairs in the friar-land investigation with an able brief dealing principally with the legal problems involved, including the proposition that all sales and leases of agricultural land by the insular government are void, as in violation of the organic act. I shall not go over the ground covered in the brief, but will succinctly recapitulate the main points raised by the attorneys.

Section 12 of the act of Congress provides that all the property and rights acquired by the treaty with Spain—which included the public lands—

are hereby placed under the control of the Government of said islands, to be administered for the benefit of the inhabitants thereof, except as provided in this act.

Section 13 provides for the classification of the agricultural lands and the making of rules and regulations for their disposition, subject to the provisions of the act, which rules and regulations shall not become effective until they receive the approval of the President and are submitted to and not disapproved or amended by Congress.

Section 15 provides for the granting or sale of the agricultural lands—

to actual occupants and settlers and other citizens of said islands, not exceeding 16 hectares to any one person and * * * not more than 1,024 hectares to any corporation or association of persons.

Section 4 defines citizens of the Philippine Islands to be the inhabitants thereof who were Spanish subjects on April 11, 1899, and their descent.

It is pointed out that section 13 confined the disposition of public agricultural lands to citizens of the Philippine Islands as defined in section 4, and that therefore all sales and leases to others than Spanish inhabitant-subjects at the time of American occupation and their descent are invalid. This construction appears to be incontestable, and additional force, if any is needed, is given by the fact that section 21, dealing with the mineral lands, which are reserved from the operation of sections 13 and 15, are declared to be—

free and open * * * to occupation and purchase by citizens of the United States or of said islands.

And the fact that section 53, which deals with the coal lands, gives the right of entry to—

every person above the age of 21 years who is a citizen of the United States or of the Philippine Islands.

Passing now to new matter, the Philippine Commission proceeded to make rules and regulations governing the disposition of the public lands, the same being embodied in act No. 926, as amended by act No. 979, known as the public-land act, and approved October 7, 1903, which act was duly submitted to the President of the United States and by him approved and transmitted to the Congress, which did not disapprove the same, thereby giving the act force and effect as law in the Philippines.

Sections 1, 10, and 22 of this act provide, respectively, that—

any citizen of the Philippine Islands or of the United States, or of any insular possession thereof, may, respectively, enter a homestead, purchase agricultural public lands, and lease agricultural public lands.

Under the foregoing provisions, which have been given by the Insular Government the force and effect of amendments to the act of Congress, many tracts of the public lands have been sold and leased to American citizens and corporations and American officials in the islands. I do not care to add to the able legal argument of the law firm which has briefed this proposition or to cite any authorities to sustain the contention that no act of the Philippine Commission or Assembly could operate to amend, alter, or repeal the act of Congress which is the organic law of the Philippines, but I want to call attention to the title of the public-land act, No. 926, as amended by No. 979, which reads as follows:

An act prescribing rules and regulations governing the homesteading, selling, and leasing of portions of the public domain of the Philippine Islands, prescribing terms and conditions to enable persons to perfect their titles to public lands in said islands, providing for the issuance of patents without compensation to certain native settlers upon the public lands, providing for the establishment of town sites and sale of lots therein, and providing for a hearing and decision by the court of land registration of all applications for the completion and confirmation of all imperfect and incomplete Spanish concessions and grants in said islands, as authorized by sections 13, 14, and 15 of the act of Congress of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." (357.)

It will be noticed that the purpose of the act, as indicated by the title, is merely to prescribe—

rules and regulations governing the homesteading, selling, and leasing of portions of the public domain in the Philippine Islands, etc.—

as authorized by sections 13, 14, and 15 of the act of Congress.

First, it was "an act prescribing rules and regulations," the terms used in section 13 of the act of Congress, and, second, "as authorized by section 13" and the other public-land sections of said act of Congress. While it is an axiom of statutory construction that anything in the statute repugnant to the Constitution is invalid, yet the title of the public-land act itself would indicate that the commission had only in mind the formulation of the necessary rules and regulations to carry out its constitutional powers and that these powers were to be exercised under authority and with the limitations in mind of the Constitution, which in this case was the act of Congress of July 1, 1902.

In this connection I wish to call attention to the following paragraph in the opinion rendered by Attorney General Wickersham to the Secretary of War on December 18, 1909, it being the friar-land opinion:

The public-land act was "general legislation" to carry out the provisions of sections 12, 13, 14, 15, and 16. The restrictions and limitations of these sections are specific and well defined. They apply to lands acquired by the treaty of peace with Spain. The citizens are limited in their rights to purchase to quantity and to compliance with the requirements of occupancy and cultivation. (14.)

When, therefore, in addition to the legislation to carry out the provisions of the sections enumerated, the Philippine Commission created entirely new and alien classes of persons entitled thereunder to acquire the public domain in the several ways provided, these unauthorized provisions, when put to the test, fall before the specific and well-defined restrictions and limitations of the organic act.

This limitation of Philippine public-land rights to the Filipinos justifies and explains the whole body of Philippine land laws and bottoms the Philippine policy of this Government upon the single proposition that the insular government is merely the trustee under limited and well-defined powers of the public agricultural lands of the islands for the use and benefit of the Filipinos. It brings out clearly the fundamental truth that it was the purpose of this Government that these lands should be inviolate to the Filipinos and that neither Americans nor any other citizenship could acquire them. It explains away all seeming inconsistencies in the agricultural land laws, all the provisions of which, whether dealing with individuals, associations or corporations, homesteads, sales or leases, fall readily and harmoniously into place. And it applies with equal if not greater force to the so-called friar lands than the lands acquired by treaty with Spain.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. MANN. The gentleman is making a very interesting speech. Does not the gentleman think it would be desirable to have a larger number of the Members present to hear his speech, and would not the gentleman be willing to have the House adjourn, and to conclude his speech on another day?

Mr. MARTIN of Colorado. I hope this not the case of a Greek bearing gifts. [Laughter.] I will say to the gentleman in all candor——

Mr. MANN. It is quite evident that on a bill of this sort, to which the gentleman offers a substitute, there would be a roll call. It is quite evident also that there is no quorum of the House present. Considering the time of day and other things, I think it is quite evident that a quorum would not be secured for the rest of the evening. Would it not be better for the gentleman to make his speech just before a vote is taken?

Mr. MARTIN of Colorado. Will not the gentleman be so kind as to withhold these rather disturbing suggestions until I conclude my remarks? I will say to the gentleman candidly that I do not want to start into this subject again, and I do not want to discuss it much further.

Mr. MANN. I was thinking that, perhaps, the gentleman would rather make his speech on the same day that the vote was taken than the week previous. If the gentleman wishes to continue his remarks to-night I shall be glad to listen to him a little longer.

Mr. MARTIN of Colorado. I am not going to assume that my remarks will change any votes. I am making these remarks now largely as a matter of duty. I have a number of very warm friends in the Philippine Islands, particularly in official circles. The administration people over there, I know, regard me with feelings akin to affection, and they would be grievously disappointed if I were to let this debate go by without saying something and without putting something in the RECORD. So, to be candid with the gentleman from Illinois, I am really talking for them and for the RECORD, and not for the House. [Laughter.]

Mr. MURDOCK. Will the gentleman yield?

Mr. MARTIN of Colorado. Certainly.

Mr. MURDOCK. I was hoping that the gentleman would continue and reveal to the House why it was that Mr. QUEZON did not know that this measure that permitted the sale of the friar lands passed the Filipino Legislature when it did. Does the gentleman expect to do that?

Mr. MARTIN of Colorado. Yes; and it is not a matter that will reflect on the gentleman from the Philippine Islands at all.

Mr. MURDOCK. Oh, no; I did not suppose that it would.

Mr. MARTIN of Colorado. I should be glad to do that. Now, I will continue the colloquy that I have been reading. I left

off where Mr. QUEZON said that he was floor leader of the majority party of the Philippine Legislature when it passed the amendatory act which authorized the sale of this estate in bulk. I will read:

Mr. MARTIN of Colorado. I want to read you this statement made by Mr. Worcester, on page 689 of the record, in speaking of the act of June 3, 1908, under which these sales have been made.

I want to say that Mr. Worcester is the secretary of the interior of the Philippine Islands. He is at the head of the land department. He is a strong, able man. I have never had the pleasure of meeting the Governor of the Philippine Islands, but I would not be disappointed if, after meeting him, I found the dominating mind, the controlling personality in the Philippine Commission, was Mr. Worcester, the secretary. I believe the gentleman from Wisconsin [Mr. COOPER] will agree with me on that proposition.

PHILIPPINE ASSEMBLY DID NOT INTEND TO REPEAL LIMITATION.

Now, I will read to Members in this House the statement which the secretary made to the Committee on Insular Affairs touching the manner in which these amendments were passed by the Filipino Assembly. Mr. Worcester, speaking of the act of June 3, 1908, said:

It was prepared by Capt. Sleeper and subsequently informally communicated by me to the joint committee of the Philippine Legislature, reason for that action being that its passage through the assembly might be expedited through having some one there who would understand just what its purpose was. The act could not be formally brought before the joint committee for official action, as it had not been submitted to them by the president of either house. I did, however, read it to them, call their attention to its provisions and its purpose, and requested them to do what they could to see that it went through when it came up in the assembly. As far as I remember, I took no other special action in regard to that act. It should, however, be stated that nearly a year later another amendatory act was passed which reenacted the language of the first amendatory act as far as the removal of the restrictions is concerned. That later act, it will be noted, was passed after the Philippine people had had abundant opportunity to realize what we had done by our first amendatory act. It originated in the Philippine Assembly, and first came to Capt. Sleeper and myself after its passage there, so far as I remember, without any previous knowledge of its existence either on the part of the director of lands or of myself. It is thus shown clearly that after the people at large and the lower house had had abundant opportunity to realize the purpose of the first amendatory act, through the fact that that purpose had been carried into effect, the lower house voluntarily reaffirmed the action taken by reenacting the original provision.

I read this to Mr. QUEZON in the committee.

Mr. COOPER. Is that the statement of Mr. Worcester?

Mr. MARTIN of Colorado. That is the statement of Mr. Worcester. Then I said to Mr. QUEZON, "Do you wish to make any statement with reference to Mr. Worcester's statement?"

Mr. QUEZON said:

I was not in Manila when the first bill was introduced, and I do not know how it passed. I believe, however, from the action of the assembly, of which I spoke a moment ago, in passing a bill which imposes upon the friar lands the limitations of the public lands, that the assembly did not realize the effect of the act of June 3, 1908, when they passed it.

Mr. QUEZON. Mr. Speaker, with the permission of the gentleman from Colorado, I wish to inform the House how this act passed the assembly, its members not believing or knowing that it was authorizing the sale of the friar lands in large tracts.

The sale and disposition of the friar lands was provided for in the act enacted by the Philippine Commission before the creation of the assembly. Later on the Philippine Commission and the assembly tried to amend that act in certain details regarding the publicity that should be given to the sale of these lands. In the original act it was provided that in the case of unoccupied lands the director of the bureau of lands will follow the provisions of section 15 of the organic act.

The amendatory act passed by the Philippine Legislature left out this sentence. In this amendatory act it was not said that the director of public lands had to bind himself by section 15 of the organic act.

But the assembly understood, and I am sure the director of lands also understood, that it was not necessary to keep this provision in the law, because the act of Congress was, anyhow, binding upon the director of public lands, and it was unnecessary for the Philippine Legislature to say so.

Far it was from the minds of the assemblymen that the insular government, being in charge of the execution of the laws of Congress, would take advantage of the silence of the Philippine Legislature to defeat the will of Congress clearly expressed in the organic act. One word more. It is admitted that as soon as the Filipino people learned that an immense estate was sold to Mr. Poole, from everywhere in the Philippines came protests against the supposed law which authorized that sale; and, Mr. Speaker, it bespeaks the ability of that assembly and its faithfulness in complying with the wishes of the people, the fact that it proceeded immediately to amend the act in accord with the wishes of its constituents.

Mr. JONES. And the commission refused to accept it.

Mr. QUEZON. And the commission refused to accept.

Mr. OLMSTED. Will the gentleman yield for one question? The gentleman was not present and was not in Manila at the time that act was passed?

Mr. QUEZON. I said I was not, and I am giving an explanation of how, in leaving those few words out, the commission and attorney general used it as an argument to say that bill must be the lands act of the Philippines.

Mr. OLMSTED. I merely asked the question to negative the inference drawn by some gentlemen from the statement of the gentleman from Colorado [Mr. MARTIN] to the effect that the gentleman did not understand the effect of the bill.

Mr. MARTIN of Colorado. I am glad the gentleman from Pennsylvania asked that question. Here was certainly a very important piece of legislation. That will hardly be gainsaid at this time; and yet here is a pretense that because the gentleman, Mr. QUEZON, the floor leader, was not present the day this was passed, that is sufficient to account for his lack of knowledge concerning it. Is that all the accountability the floor leader has to legislation affecting the very life of his people and their welfare? Gentlemen will understand that his physical presence there would have nothing to do with his knowledge of the pendency and discussion and passage of such an important piece of legislation as this.

So, first, we have the testimony of the floor leader, a man who should and would have knowledge of such important legislation, whether he was there or not, if anybody had knowledge of it; and the very fact that the floor leader of that people, a man brilliant and able and well informed as the Commissioner from the Philippines [Mr. QUEZON], did not know at that time, and did not know for months afterwards, that such a sale could be made, I think ought to be conclusive if anything in the world would be.

But there is further evidence than that, Mr. Speaker. There is somewhere in the hearings a resolution of the Philippine Assembly protesting against these sales, and this resolution was passed unanimously—not a dissenting vote—by the Philippine native assembly, elected by the people of the islands:

Resolution declaring the sale in large and unlimited tracts of land belonging to the so-called friar estate to be contrary to the will, the sentiment, and the interest of the Philippine people.

I say to you gentlemen on the other side of this question that these resolutions are in the record.

PROTEST OF PHILIPPINE ASSEMBLY.

The resolution referred to is as follows:

[Assembly resolution No. 14, Second Philippine Legislature, first session.]

Resolution declaring the sale in large and unlimited tracts of land belonging to the so-called friar estates to be contrary to the will, the sentiments, and the interests of the Philippine people.

Whereas it is the general desire of the Philippine people to secure, now and in future, the means to preserve peace and bring happiness to the inhabitants of this country through a quiet, peaceful, and productive exploitation of its soil;

Whereas the Philippine people consider that the acquisition of unlimited tracts of land by large foreign associations or corporations, for the purpose of exploiting them for their own benefit, might disturb that peace and destroy that happiness desired with such fervor, because it believes that such corporations would establish a ruinous competition with the Philippine capitalists and producers, as thanks to their powerful resources they would acquire predominance in the field of exploitation of the native energies, and that, once established in the country, said corporations would constitute a great obstacle to the political emancipation desired by the Philippine people in general;

Whereas the transfer to the corporations mentioned of the land purchased from the friars might result in a renewal in this country of the political-social disturbances of the past caused by the exploitation of the same estates by the religious corporations, this circumstance having constituted, as everybody knows, one of the principal causes of the last Philippine revolution;

Whereas the rule of the corporation or the concentration of the great agricultural interests in the hands of corporations has produced and is producing in the various countries, first in England, then in Germany, and subsequently in the United States, social commotions that are always a menace to the safety and welfare of a nation;

Whereas the Philippine Republic, ever to be remembered by us all, endeavored during the brief period of its existence to prevent this fearful social peril by providing, in the additional article of its constitution, for the transfer of the property and buildings of the religious corporations to the national Philippine Government;

Whereas the present government of occupation has purchased the friar estates, not for the purpose of making them a new source of disturbances and protests, but in order to contribute to the peace and welfare of the Philippine people, according to the provisions of section 64 of the organic law of the Philippine Islands;

Whereas the Philippine Assembly deems it a duty not to be evaded, and at the same time a right derived from the essential principles of a democratic régime, to cause the voice of the people represented by it to be heard in the official spheres of the Philippine administration and of the Government of the sovereign country: Now therefore be it

Resolved, That the Philippine Assembly do, and hereby does, declare, without entering upon a discussion of the legality or illegality of the matter, that the sale in large and unlimited tracts of the so-called "friar estates" to great corporations for their exploitation is contrary to the will, the sentiments, and the interests of the Philippine people; and furtber, that the assembly do, and hereby does, state its de-

sire that the sale of said estates to persons other than those who were tenants of the same prior to June 3, 1908, and of all other property acquired by the Government subsequent to the treaty of Paris be made subject to the limitations contained in section 15 of the organic act of the Philippine Islands relative to the public lands acquired by the United States in the Philippine Islands under the treaty of peace with Spain; and

Resolved further, That copies of this resolution be forwarded to the Congress of the United States, the Philippine Commission, and the honorable the Secretary of War.

Adopted December 6, 1910.

I hereby certify that the foregoing resolution was adopted by the house on December 6, 1910.

RAMÓN DIOKNO,
Secretary Philippine Assembly.

But there is further evidence in the record.

Mr. COOPER. And that is the same assembly which they claim——

Mr. MARTIN of Colorado. The same assembly which they claim amended the law so as to permit of these sales.

Mr. COOPER. Could there be any plainer demonstration that they did not understand the import of that law?

Mr. MARTIN of Colorado. I think not; and I want to add this——

Mr. LONGWORTH. How much time elapsed between those two amendments?

Mr. MARTIN of Colorado. A year. I want to add this, that when I undertook to present this resolution to the Committee on Insular Affairs I was met with the question as to whether or not I thought it could affect the legality of the action of the assembly; and I said, why, certainly not. I will admit that no resolution of protest now could be heard for the purpose of determining that question, but I considered it not only material but absolutely conclusive as to the attitude of the assembly upon the policy involved in this legislation.

But it developed last Wednesday, Mr. Speaker, when the gentleman from the Philippines had the floor, that since this investigation by the Committee on Insular Affairs in the last Congress the lower house of the Philippine Legislature passed an act prohibiting these sales of the friar lands in large tracts. I do not know exactly the scope of the act, whether it invalidated the sales that had already been made; I do not know its terms; but at any rate it was an act to prevent the sale of the friar lands in large tracts and applied the restrictions of the public lands to the friar lands. Am I right about that?

Mr. QUEZON. Yes, sir.

Mr. MARTIN of Colorado. It passed the assembly unanimously and was rejected. By whom? Rejected by the council appointed by the President, consisting of the Philippine Commissioners.

THE ATTITUDE OF THE PHILIPPINE COMMISSIONERS IN CONGRESS.

Several times during the debate I have heard the gentleman from the Philippines [Mr. QUEZON] questioned with regard to the attitude of his colleague and with a view to ascertaining whether or not Mr. QUEZON'S colleague was in harmony with Mr. QUEZON'S position with reference to land limitations and sales in the Philippines, the obvious object of these questions, coming as they do from gentlemen upon the other side of the question, being to weaken the position of Mr. QUEZON by showing, inferentially at least, that Mr. QUEZON is not supported by his colleague in his efforts in behalf of this bill and against the sale of the friar lands. One thing all must say for Mr. QUEZON, and that is, he is here to speak for himself and that he has spoken so ably and so eloquently as to win the admiration and applause of all Members, regardless of their attitude upon this bill.

But I will go a step further and I will say that because of Mr. QUEZON'S attitude in the Sixty-first Congress in favor of the investigation of the sale of the friar lands, which investigation was ordered just at the close of the session in June, 1910, Mr. QUEZON was unanimously reelected by the Philippine Assembly as a Commissioner from the Philippine Islands, while his colleague, because of his failure to oppose the sale of the friar lands, was unanimously rejected by the assembly. The commission, however, which disapproves Mr. QUEZON and approves his colleague, refused to concur in the reelection of the former without the reelection of the latter, and as a consequence a vacancy was threatened in both Commissionerships from the Philippine Islands. This condition was met in the last session of the Sixty-first Congress by the passage of an act extending the terms of office of both Commissioners until such time as the Philippine Legislature, consisting of the assembly elected by the people and the commission appointed by the President of the United States, shall elect their successors.

The attitude of the Philippine Assembly toward their congressional delegates is only another side light thrown clearly upon the position of the representative Filipino body upon the question at issue.

That Mr. QUEZON has been strongly and consistently against this policy of exploitation from the beginning is clearly shown by the following colloquy on the floor of the House, which I take the liberty of reproducing from the CONGRESSIONAL RECORD of May 21, 1910, at page 6823:

Mr. MARTIN of Colorado. I would like to ask the gentleman how his people will view the new movement of American capital into the Philippine Islands to buy up and develop large tracts of land there?

Mr. QUEZON. My people are informed of the policy of the United States Government upon this question, which is not to sell more than 1,024 hectares of land to any corporation, and they have from the very beginning applauded this policy.

In fact, the Filipinos have considered the provision of the "organic act" limiting the area of land acquirable by corporations to 1,024 hectares as the best proof that the Philippines have not been occupied by Americans for exploitation purposes.

Mr. MARTIN of Colorado. And they would not applaud any departure from that policy then?

Mr. QUEZON. No, indeed.

Mr. MARTIN of Colorado. But supposing the land is held in large tracts in the names of agents of exploiting foreign corporations or interests?

Mr. QUEZON. The result would be the same; it would be just as objectionable.

Mr. Chairman, I shall avail myself of the opportunity afforded to me by the questions of the gentleman from Colorado to make clear the attitude of the Filipinos regarding the land question. We are not anticapitalists, neither are we antiforeigners. We do not want to encircle the islands with some sort of a "China wall"; we welcome the coming in of capital to stimulate commerce and develop industry. We receive with open arms every foreigner who visits or lives with us. The hospitality of the Filipinos is proverbial. But we are against the ownership of large tracts of land, either by corporations or by individuals, for it is incompatible with the real prosperity of the natives. You can not have, Mr. Chairman, a solid, conservative, contented, law-abiding community unless the plain people, as your beloved Lincoln affectionately called them, have and cultivate their own land. Moreover, large agricultural enterprises in the Philippines will, sooner or later, bring about Chinese or other oriental immigration into the islands, which we are fighting against. For these reasons I, on behalf of my people as well as of myself, respectfully ask Congress to strictly adhere to its policy concerning this matter, as it has been defined in the "organic act."

THE JOKER—AND WHY.

And yet, Mr. Speaker, in the face of such a record as this the official heads of the insular government come all the way to Washington and pretend to tell the committee of Congress that the Philippine people, through their assembly, assented to these sales and to this policy, and knowingly have passed laws intended to repeal the limitations and permit the sales of these lands in any quantity whatsoever.

Now, Mr. Speaker, do you see why I say the House of Representatives made a mistake this afternoon in accepting the little joker of the gentleman from Pennsylvania [Mr. OLMSTED] authorizing the Philippine Legislature to turn around and do once more what they have already been hoodwinked into doing? I want to say to you, Mr. Speaker, that until such time as the American Government has determined what its final attitude toward the Philippines is to be, I am not in favor of permitting even the Philippine Legislature to dispose of those lands in this way. [Applause.]

Why, gentlemen, there is no need of passing this bill with the amendment of the gentleman from Pennsylvania incorporated in it. The gentleman from Pennsylvania well knows that the native assembly in the Philippines is unanimously opposed to the sale of these lands. He knows that. He knows about these protests by the assembly. He knows about the attempted passage of the act, which has been blocked by the commission. Why, then, does he press his "little amendment"? Oh, it is a small matter! It is not very material! Let us put it in now, for the sake of peace, and go ahead! Why does he press an amendment to authorize the Philippine Assembly to do something that he knows it is unanimously opposed to doing? I will tell you. It is because the Philippine Assembly will do once more just as it has done once before, namely, pass some alleged harmless amendment to these land laws, and then some accommodating attorney general will construe that amendment as it is wanted to be construed. Now, that is all there is to it. And that is the reason, Mr. Speaker, that this Congress should safeguard those lands even by withholding from those people the power to be taken advantage of and to dispose of them until such time as we have determined whether or not we propose to retain those islands.

EXPLOITERS KNOW WHAT THEY WANT.

I want to say something in behalf of the gentlemen who want these land limitations abolished and who want other things done. As a whole, we seem to be drifting with reference to the Philippines. There seems to have been much uncertainty as to what ought to be done with them and when it ought to be done. But there are certain gentlemen——

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. MARTIN of Colorado. In just a moment. But there are certain interests, there are certain people—it does not matter whether they are in Congress, or down here in the departments,

or over in Manila, or elsewhere—whenever they do anything it is toward a certain and definite end, and that end is the permanent retention of the Philippine Islands by the United States. It does not make any difference whether it is a free-trade bill or a bill permitting them to increase their bonded indebtedness from $5,000,000 to $15,000,000, as is now proposed, or a bill to remove the land limitations and allow them to be acquired by foreign interests; it does not matter what it is—it always points in one and the same direction, and that is the creation of ties between the United States and the Philippines which it will be difficult, if not impossible, to sever in the future. [Applause.]

Mr. GARRETT. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. GARRETT. Has the gentleman read the bill providing for Philippine independence?

Mr. MARTIN of Colorado. I have.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker——

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

Mr. GARRETT. If the gentleman will permit me for one minute——

Mr. MANN. I will be very glad to withhold for one minute. I thought the gentleman wanted an hour.

Mr. GARRETT. Does the gentleman from Colorado mean that that bill is not in good faith?

Mr. MARTIN of Colorado. I do not believe that. I believe that bill is in good faith, and I am in good faith in favor of that bill.

Mr. GARRETT. I thought the gentleman's remarks might be misconstrued.

Mr. MARTIN of Colorado. I beg to assure the gentleman I have not the slightest thought of that character.

THE LAW IS CLEAR AND ITS PURPOSE PLAIN.

The whole subject of both the law and policy of our Government touching the land of the Philippines may be most appropriately dismissed with the concluding paragraph of the minority report of the friar-land investigation by the Bureau of Insular Affairs in the Sixty-first Congress, and I respectfully submit this paragraph to the consideration of all persons who are interested in the conservation of the islands for the inhabitants thereof and not for their exploitation by aliens:

> In conclusion, we wish to emphasize what has hereinbefore been said in respect to the policy which has of late obtained in the Philippine Islands in regard to the sale and other disposition of the vast public domain of those islands, whether these lands be known as public lands or friar lands. They are the property of the people of the Philippines, and should be administered and disposed of solely in their interest and for their benefit. They are thoroughly united in their opposition to the policy of exploitation to which the bureau of public lands seems to be so resolutely committed and which is being pursued with utter disregard of the opinions and wishes of those most interested. That the officials whose duty and responsibility it is to administer the public-land laws have, at least until recently, entertained doubts as to the legality of the policy pursued by them is evident from the fact that they have so frequently sought and obtained legal opinions with which to fortify their position. In our opinion these doubts should have been resolved in the interest of the citizens of the islands rather than in that of the aliens, whose purpose it was to exploit the islands. To our minds, the law governing the disposition of these lands is so clear that there is no need for any resort to the courts in respect to it. If the policy laid down in the act of Congress of July 1, 1902, is a narrow and mistaken one, then Congress should change it. It alone is clothed with the power to do so.
>
> W. A. JONES.
> ROBERT N. PAGE.
> FINIS J. GARRETT.
> M. R. DENVER.
> HARVEY HELM.

WHAT IS WANTED IN THE PHILIPPINES.

What is wanted in the Philippines is not more law, but the enforcement of existing law. This fact was clearly demonstrated in the investigation of the friar-land sales. The story, taken from the hearings, relating to the sale of the San Jose estate to Mr. E. L. Poole, the agent of Horace Havemeyer, Charles H. Senff, and Charles J. Welch; to the Mindoro Development Co. of New Jersey, organized by the last-named gentlemen, to operate a sugar plantation upon said estate; and to the three subsidiary companies organized by Mr. Welch, through his immediate family in California, to be operated in conjunction with the San Jose estate and the Mindoro Development Co., furnishes a study in legal and corporate trickery upon the one hand and official negligence and incompetence on the other hand, out of which could be rewritten the cause and the philosophy of the greater part of the failures of the law to protect the public interests in the United States since the beginning of the era of the ascendency of wealth in the affairs of this country.

The story as told in the hearings is worth reading. It contains a dash of humor. The main factor in the little play resorted to many of the funny dodges and tricks known to the law to violate its letter while observing its spirit. He worked in his wife and his wife's folks and their lawyers and clerks and hired men, in ignorance, it now appears, of the utter complacency of the officials with whom he would have to deal. In other words, he labored under the delusion that he must appear to comply with the law.

"Their money was good," said Secretary Worcester, speaking of the principals behind Agent Poole. These principals had already had their attention called by the Bureau of Insular Affairs to the utter failure of even more severe restrictions to protect Porto Rico from the Sugar Trust. Land holdings in Porto Rico had been limited to 500 acres instead of 2,500, but the Sugar Trust had gone in there and wiped out the small sugar planter and the small sugar maker and had converted Porto Rico into one huge sugar plantation. "Go ahead," said the Insular Bureau, in effect. "Never mind the law or the restrictions or the limitations in the Philippines. You see what the result has been in Porto Rico." And they went ahead. And they found officials, as the story will show, a story made up of quotations from the testimony of these officials at the hearings, who were willing to take their money and ask no questions and write out agreements in violation of the law and permit failure to comply with the law.

WHAT THE STORY WILL SHOW.

But for fear you have not time to read the story, let me summarize briefly what the story will show:

First. That the insular government entered into an agreement with E. L. Poole to convey to him, or his individual or corporate nominees, a tract of 56,000 acres of land, although the organic law forbids any corporation to own or hold more than 2,500 acres of land; that no effort was made to ascertain whom or what Poole represented, and that this sale was reported officially and repeatedly as a sale to Poole for himself and not as agent for any other person.

Second. That the principals for whom Poole acted organized the Mindoro Development Co., a corporation with unlimited powers, the incorporators of which were dummies, and the object of which was to operate not only this entire tract of 56,000 acres of land as a sugar plantation, but the lands of subsidiary corporations, the president of the corporation being Mr. Welch, the managing factor among the owners of the San Jose estate, and whose relatives composed the subsidiary corporations.

Third. That Mr. Welch, through his father's estate and through his wife, brother, and brother-in-law and their partners, clerks, and employees, organized into three corporations, was permitted to file applications for and purchase nearly 7,500 acres of public land, the maximum permitted by law, at 2,500 acres per company, these tracts being contiguous to each other and lying between the San Jose estate and Mangarin Bay, the nearest port, and through which lands it was desired to run a railroad from the San Jose estate to the port; that Mr. Welch and his relatives were permitted to purchase these lands without filing the affidavits required by section 75 of the organic law of the Philippine Islands, showing that stockholders in any one of the corporations were in no wise interested in any other such corporation; and that the relations between these different concerns were such that Mr. Poole, the manager of the San Jose estate, who was also the manager of the three California corporations, proceeded under cable orders from Mr. Welch to build a railway across the lands of the three California corporations without the consent of the three owning corporations.

Fourth. That the identity and the unity of all these interests and concerns were rendered so complete in the investigation as to lead Mr. Welch finally to say:

> We are practically the same. There is no getting away from that. We are quite a family party.

THE SAN JOSE ESTATE.

One of the principal transactions giving rise to the investigation in the last Congress was the sale of the San Jose estate of 56,000 acres, situated in the island of Mindoro, to one Edward L. Poole. The certificate of sale was executed at Manila on November 23, 1909. This sale was stated by the insular officials at Manila and by the Insular Bureau at Washington as made to an individual.

It was stated by Capt. Sleeper, director of lands, that—

> No person is known to have purchased any friar lands as agent or factor for any other person. It is said that Mr. Edward L. Poole, who purchased the San Jose estate, Mindoro, represents Mr. Welch, but purchase was made in his own name.

It appears, however, that the certificate of sale provided for the conveyance of the land to the ostensible purchaser, E. L. Poole, "or his nominees," thereby plainly putting the Government upon notice that Poole was not acting for himself but in a representative capacity. It further appears from the testimony of Director Sleeper that between December 6 and 10, 1909, he discovered that Mr. Poole represented a corporation known as the Mindoro Development Co., of New Jersey. This fact was disclosed to Director Sleeper at a time when he had under consideration the execution of new or amended certificates of sale, whereby the estate would be cut into two large tracts and a smaller tract, which was to be deeded directly to the corporation for mill site, railroad headquarters, and other purposes incident to the operation of a large sugar plant and plantation. Director Sleeper, when asked why he had inserted the proviso "or his nominees," replied that it was probably done at the request of the attorney for the purchaser, Mr. E. B. Bruce, a lawyer of Manila. The director admits that no effort whatever was made to ascertain who or what Mr. Poole's prospective nominees might be. Indeed, both Director Sleeper and Secretary Worcester admitted that no inquiry whatever was prosecuted to ascertain the identity or character, whether individual or corporate, of Mr. Poole's associates.

On January 4, 1910, sale certificate No. 1 was canceled and in lieu thereof there was issued sale certificates Nos. 2 and 3, providing for the conveyance of the land to Poole "or his corporate or individual nominees."

In a report prepared by Secretary Worcester at Manila on August 29, 1910, relative to the charges against the conduct of the affairs of the department of the interior and the bureau of public lands, and at page 45 of said report the secretary sets out in full sale certificate No. 1, which instrument, be it remembered, had been canceled on January 4 preceding. On page 47 is made a brief mention of the cancellation of No. 1 and the execution of Nos. 2 and 3, but the new certificates themselves do not appear, nor anything to indicate the change that had been made providing for the execution of deeds to Mr. Poole's corporate nominees. When Secretary Worcester and Director Sleeper were examined before the committee sale certificate No. 1 was fully gone into and the witnesses were questioned at some length about the insertion of the proviso "or his nominees." When it developed from Director Sleeper's testimony that the certificate had been canceled and new certificates issued, he, upon request, furnished copies of the new certificates to the clerk of the committee and they were inserted in the printed hearings, where they appear, together with No. 1, at pages 251, 252, and 255, from which it would appear that they had been offered and were before the committee simultaneously. This, however, as I say, is not the case, only No. 1 at that stage of the hearings having been before the committee, as it appeared in the Secretary's report referred to. When asked on cross-examination as to why, when he was being examined about sale certificate No. 1, he had not called the attention of the committee to the character of the proviso in sale certificates Nos. 2 and 3, Mr. Worcester answered:

> I have always taken it for granted that you (MARTIN) could be depended on to bring out any points of that sort.

Mr. Worcester professed to the committee at all times exceeding frankness and a desire to fully and truthfully disclose every fact within his knowledge. This statement he iterated and reiterated, and without comment I submit the foregoing reply to my question as to why he had not disclosed this proviso.

Mr. Worcester, in his report already referred to, said:

> Had the Government sold the estate, as charged, to the Mindoro Development Co. of New Jersey, the Havemeyer Exploiting Co., or to any other corporation, its action might properly be subject to the severest criticism.

When confronted with the fact that he had approved the execution of instruments to convey the estate to Poole's corporate nominees, Mr. Worcester said that—

> in carrying out all these agreements which we make, we are subject to the laws of the land. I do not hold that under that agreement Mr. Poole could compel me to make an illegal transfer of land or could compel me to transfer land to a corporation in excess of that which a corporation was entitled to hold.

While fully agreeing with the truth of the foregoing statements, the question yet remains, Why did the director of public lands execute and the secretary approve a contract which is upon its face an admitted violation of the law? If he could not convey the estate to Poole's corporate nominees, why enter into a solemn agreement in writing so to do? And why had every official concerned protested that the sale had been made to an individual when it was known to them that Mr. Poole was merely the agent of both associate and corporate nominees?

THE PURCHASERS WIDE AWAKE.

While the insular officers may not have known or cared with whom they were dealing, or what character of transaction they were sanctioning, the other parties seem to have known clearly what they wanted and took every safeguard devisable by skilled lawyers to secure it.

On March 9, 1910, 60 days after closing the San Jose deal, Mr. Edward L. Poole executed a declaration of trust, stating specifically that—

> in purchasing the said estate (he) was acting as the agent for Horace Havemeyer, Charles J. Welch, and Charles H. Senff, who furnished him the entire amount paid by him for said property.

Also declaring that he held the property in trust for the benefit of these persons and had no interest in the same other than the bare legal title, and agreeing—

> to convey the said property to such persons, firms, or corporations as the said persons shall from time to time direct, free and discharged from any claim or liability to him by reason of any act whatsoever.

If the director of lands deemed it necessary to say, as he did in his report to Secretary of War Dickinson on May 5, 1910 (H. Doc. No. 1071, p. 107):

> That no person was known to have purchased any friar lands as agent or factor for any other person, and that Mr. Poole purchased the San Jose estate in his own name—

he must have felt like a very much deceived individual when Mr. Poole produced this declaration of trust before the Committee on Insular Affairs, and Secretary Worcester must have felt likewise.

OFFICIAL INDIFFERENCE.

Some doubt, however, naturally arises as to their feelings in this particular from the following statements made by them before the committee:

> Mr. GARRETT. Capt. Sleeper, was any effort made to ascertain who the "company" was of Welch & Co.?
> Mr. SLEEPER. By me?
> Mr. GARRETT. Yes, sir.
> Mr. SLEEPER. No, sir.
> Mr. GARRETT. Or anybody else?
> Mr. SLEEPER. No, sir.
> Mr. CRUMPACKER. Was any inquiry made?
> Mr. WORCESTER. I made no inquiry, sir. I took it for granted that they were men with capital who had the price to pay for the land which they desired to get. Their money was good.

The following colloquy will also throw some light on their state of mind and relieve any impression of shock by reason of the disclosure that Poole was merely the agent of Havemeyer, Welch, and Senff and the Mindoro Development Co.

> Mr. MARTIN of Colorado. The officials did not make any very strenuous efforts to pry into your private affairs, did they?
> Mr. POOLE. Mr. Martin, why should they? I came over there to buy land.
> Mr. MARTIN of Colorado. Yes.
> Mr. POOLE. They had a white elephant on their hands and they very gladly sold it.
> Mr. MARTIN of Colorado. And they did not make any inquiries as to who it was being unloaded on as long as it was being unloaded and they were getting the money?
> Mr. POOLE. Getting the money and stopping that enormous sum of interest eating up every year.

It should always be borne in mind that Mr. Poole represented an interest thought to be against the letter and known to be against the spirit of the law, and indisputably against the insular policy of this Government.

Mr. Taft, in a special report to President Roosevelt, January 23, 1908, already quoted, said:

> Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle class tending to build up a conservative self-respecting community from bottom to top.

Yet here were sugar interests seeking to acquire a tract of 55,000 acres of land, when the largest holding ever recommended, even by such an ardent exploiter as Mr. Worcester, is 25,000 acres, and representing a corporation with chartered powers which would enable it to set up an imperium in imperio and establish on a huge scale the very conditions against which Mr. Taft specifically inveighed. That such a result could not be accomplished without the connivance or the culpable negligence of the insular officials ought to go without saying.

THE MINDORO DEVELOPMENT CO.

It is difficult in arranging the testimony adduced at the hearings to distinguish between the San Jose estate, managed by Poole for Havemeyer, Welch & Senff, and the Mindoro Development Co., managed by Poole for Havemeyer, Welch & Senff, and

to treat them separately. This difficulty is increased by Mr. Welch when he says:

As far as the San Jose estate and the Mindoro Development Co. are concerned, there is a mighty close community of interest. We are practically the same. There is no getting away from that.

I may say, in passing, that I had not been attempting to get away from it, but had been endeavoring most diligently to get to it, and I acknowledge my obligations to Mr. Welch for having confirmed my judgment that the very character of the enterprise demanded essential unity and that any appearance to the contrary was simply juggling with the law.

The Mindoro Development Co. was incorporated under the laws of the State of New Jersey on December 8, 1909, with a capitalization of $100,000, with almost unlimited powers as to the kinds of business in which it could engage, including the right—

to invest in, hold, subscribe for, buy, sell, and in any manner acquire and dispose of the stocks, bonds, and other obligations of other corporations, and while the owner of any such stocks, bonds, or other obligations to exercise all the rights, powers, and privileges of ownership thereof, including the right to vote.

The incorporators of this company were Robert J. Bain, Samuel S. Moore, and Charles E. Scribner. Some light is thrown upon the identity and interest of these gentlemen by the following testimony:

Mr. GARRETT. It seems from some statement in the record that Robert J. Bain, Samuel S. Moore, and Charles E. Scribner, all of New Jersey, are the incorporators of the Mindoro Development Co. Now, have they any interest in it?

Mr. HAVEMEYER. Not that I know of.

Mr. GARRETT. Own no stock in it?

Mr. HAVEMEYER. Not to my knowledge.

Mr. JONES. Are you sure there are any such people, or may they not be fictitious names?

Mr. HAVEMEYER. It is possible.

Mr. HELM. As a matter of fact, you got a few dummies over there to organize a company, and then you practically took possession of it. That is the fact of the matter, is it not?

Mr. WELCH. I guess so.

As a matter of fact, two of the three incorporators were law clerks in the offices of Corbin & Collins, lawyers, of Jersey City, N. J., who filed the articles of incorporation, which were drafted by Mr. De Gersdorff, of the law firm of Cravath, Henderson & De Gersdorff, of New York, along lines laid down by Mr. John Henry Hammond, of the law firm of Strong & Cadwaladar, of New York, of which law firm Henry W. Taft is the leading member, and of which Mr. Wickersham was a member until he became Attorney General.

The work of organization having been accomplished, the dummies were relieved of their alleged holdings; the capitalization was increased from $100,000 to $1,000,000 on January 5, 1909, being the day following the receipt of a cable from Poole, at Manila, that the final certificates of sale had been issued—certificates Nos. 2 and 3—carrying the new "corporate nominee" clause; and Messrs. Havemeyer, Welch, and Senff became the holders of $250,000 of paid-up capital stock each, the balance, $250,000, remaining in the treasury. The only other stockholders taken in were H. O. Havemeyer, who purchased 50 shares of stock from Horace Havemeyer, and Welch & Co., a California corporation controlled by the Welch family, to which concern Mr. Welch transferred 500 shares of his stock. Mr. Welch was elected president of the Mindoro Co., and Mr. Horace Havemeyer treasurer.

The Mindoro Development Co. at the time of the investigation was having a large sugar plant constructed by the Honolulu Iron Works for the San Jose estate.

OTHER PREPARATIONS—MR. POOLE GETTING BUSY.

Mr. Poole, on December 14, 1909, had begun shipping supplies to the San Jose estate and was busily arranging for the establishment of the sugar plantation, although word was not cabled to Manila of the favorable opinion of Attorney General Wickersham until December 22. It is made plain, however, throughout the testimony that no delay in the plans of the investors or their agent was suffered by reason of the fact that the Attorney General of the United States was to render an opinion of such grave import as to absolutely revolutionize the land and industrial policies of the Philippine Islands, and that, too, upon a question which had vexed the judgment of the able lawyers who represented them. But this feature will be left for discussion elsewhere.

The operations of Mr. Poole in establishing a sugar plantation brings us to another branch of the inquiry which is as difficult to distinguish from the San Jose estate-Mindoro Co. propositions as it is to distinguish between these propositions themselves. It was desired to run a line of railway from the sugar plant of the Mindoro Co. on the San Jose estate to Mangarin Bay, a distance of about 12 miles, where was the only available harbor—so reported by the director of lands—along the coast line there. Deep-draft vessels may land at the wharf built by the Mindoro Co. With the usual care and foresight displayed by the company, it had secured a 99-year lease upon 1,000 feet of the foreshore, upon which it will have exclusive dock privileges.

Mr. Welch stated that the company had a 25-year lease on the foreshore, but when Mr. Poole appeared he said he thought it was for 99 years, and cabled information later inserted shows the lease to have been for 99 years. This giving of a 99-year lease is in keeping with the policy of the insular officials in the administration of their trust over the resources of the Philippine Islands. All public-land leases are made for the longest period of time allowed by law, to wit, 25 years, at the minimum rental allowed by law, to wit, 10 cents gold per acre per annum, with renewal option for 25 years more. If there is no law to invalidate the 99-year foreshore lease given the Mindoro Development Co., then it ought to be annulled as grossly contrary to public policy. The time has gone by for granting 99-year privileges, or virtually giving them away, as in this case, to 20-year corporations.

THE THREE CALIFORNIA COMPANIES.

In order to give the Mindoro Co. and the San Jose estate complete land connection with the harbor, and at the same time afford a railway right of way, three agricultural companies were organized at San Francisco under the laws of California. These three companies were the San Carlos, San Francisco, and San Mateo Agricultural Cos. They were organized by the law firm of Lent & Humphrey, and the following are given by Lent & Humphrey as the stockholders of the three companies:

San Francisco Co.: William F. Humphrey, Elizabeth L. Welch, Homer P. Brown, J. Montgomery Strong, T. T. McDonald, A. C. Hampton.
San Carlos Co.: A. P. Welch, J. D. McFarland, George Jones.
San Mateo Co.: Eugene Lent, Robert C. McGahie, George D. Perry.

The managing agent of the three companies is Mr. Edward L. Poole, the managing agent of the San Jose estate.

Mr. Welch testified that Eugene Lent, of the law firm of Lent & Humphrey, and a stockholder in the San Mateo Co., is his brother-in-law; that A. P. Welch, stockholder in the San Carlos Co., is his brother; and that Elizabeth L. Welch, stockholder in the San Francisco Co., is his wife.

Mr. Welch had testified that Elizabeth L. Welch was the "sister-in-law of Mr. A. P. Welch," but on page 815 he said:

There is one thing I do not want to conceal; Elizabeth L. Welch is my wife.

William F. Humphrey, of the San Francisco Co., is the law partner of Brother-in-law Lent.

J. Montgomery Strong, of the San Francisco Co., is Mr. Welch's wife's cousin and was Mr. Welch's first emissary to the Philippines in March, 1909, when Messrs. Welch and Havemyer first became assured of free trade in sugar between the United States and the Philippines, which became an assured fact on August 5, 1909.

T. T. McDonald, another of the San Francisco Co.'s stockholders, is Secretary of the Mindoro Development Co. in New York, and Mr. Welch's right-hand man in that office.

Homer P. Brown, of the San Francisco Co., is the manager of the estate of Andrew Welch & Co., which is the estate of Mr. Charles J. Welch's father, deceased.

Thus we see that all the stockholders in the San Francisco Co. are Welch's relatives and employees, excepting A. C. Hampton, whom Mr. Welch does not know and who is probably a dummy.

As already stated, Mr. A. P. Welch, of the San Carlos Co., is the brother of Charles J. Welch, and Charles J. Welch does not know J. D. McFarland or George Jones, the other two stockholders, and who are probably employees or nominal parties; and

Eugene Lent, of the San Mateo Co., is a brother-in-law, while George D. Perry of said company is in the employ of Brother-in-law Lent's law firm. Mr. Welch does not know the remaining stockholder of the San Mateo Co., Robert J. McGahie, who is probably also a nominal party.

To sum up in the words of Mr. Welch, "We are quite a family party."

The books and records of these California companies were called for, but not produced, and the only evidence as to stockholders, and so forth, is to be found at pages 811–815, in the affidavits furnished by Lent & Humphrey. What the interests of these various stockholders are do not appear, but it is fair to assume that the companies are in the complete control of the Welch family and it will be shown later that their affairs are as much under the direction of Mr. Charles J. Welch as are the Mindoro Development Co. and the San Jose estate. These companies were organized at the suggestion of Mr. Welch when he visited California after Mr. Poole had departed

from New York for the Philippines to purchase sugar lands, which was on or about September 7, 1909.

SOME GRAPEVINE TESTIMONY.

Before proceeding to consider the testimony bearing upon the affairs of these companies in the Philippines, it will be well to first consider them at this end of the line from the standpoint of Mr. Welch's testimony. He was very vague and uncertain as to what transpired between himself and his California relatives whereby they were induced to go into these enterprises and to secure the services of Mr. Edward L. Poole.

Mr. Welch said:

I do not know that the Mindoro Development Co. would allow Mr. Poole to represent those companies as an agent there——

thus giving the impression that if Mr. Poole was representing these companies his action might not meet with the approval of the Mindoro Co. Mr. Welch, when questioned as to how the California parties got in connection with Mr. Poole, replied:

I do not know. Very likely I wrote out to them about it. I guess I did. I very likely must have indicated to Mr. Poole that these California people wanted to buy the land.

I am amply borne out by the record when I state that a great deal of the testimony of witnesses upon material points consisted of "perhaps," "probably," "very likely," "I guess," "I presume," and so forth, all of these guesses relating to matters which could be established by documentary evidence. One might well infer from Mr. Welch's testimony—in fact, one could only infer—that he knew little about the affairs of the California companies or Mr. Poole's connection with them, when, in fact, he was the directing head.

The testimony of Mr. Welch at page 801 is a fair sample of this character of evidence, and is here submitted verbatim:

Mr. PARSONS. What agreement is there in regard to the development company's running over the lands of two of them?
Mr. WELCH. There is no agreement at present.
Mr. PARSONS. How did it get permission to go over there?
Mr. WELCH. I do not know.
Mr. PARSONS. But it is over them, is it not?
Mr. WELCH. I believe so.
Mr. PARSONS. Who will know about that?
Mr. WELCH. I don't know.

For the purpose of showing that Mr. Welch did know all about this matter and that his was the directing mind, I shall, at the risk of getting ahead of my story, here set out his cabled instructions to Mr. Poole on December 30, 1909:

California colonia companies, whose charters you now have, should acquire public land between San Jose and Mangarin, factory getting right of way for the railroad from them.

This copy of the cablegram, it may be remarked, was not produced while Mr. Welch was a witness before the committee on January 12, 1911, and did not, in fact, appear until Mr. Poole arrived from the Philippines and appeared before the committee on February 11, 1911, just one month later, when it was offered by Mr. Welch.

After Mr. Welch had testified that he did not know whether the Mindoro Co. had permission to lay a railroad over the lands of the California companies, and did not know whether, in fact, it was over them, and did not know who would know, the following colloquy occurred:

The CHAIRMAN. Do you mean to say that you just built a railroad across those people's land without their leave or license?
Mr. WELCH. That is about the size of it, Mr. Chairman.

And, on page 802, the following:

The CHAIRMAN. Did you consult with any of the owners or officers or agents of any of these three colonia companies in regard to the matter, as to their wishes as to whether you should go across their land or not?
Mr. WELCH. No; there was no direct consultation, but it was implied at the time that they went in there. There was never any objection raised, and they certainly wanted the railroad through there.

It will not do to assume, however, because of the character of his testimony, that Mr. Welch is a fool, and his testimony, or rather lack of testimony, read in the light of the statements subsequently made to the committee by his agent, Mr. Poole, discloses some method in an apparent lack of business sense and ability which if true would establish him to be utterly unfit to administer the large interests that are under his control in the United States, Cuba, Hawaii, and the Philippine Islands.

Mr. Poole, be it understood, went from New York direct to the Philippines, without having any communication whatever with Mr. Welch's California relatives. He arrived in Manila on October 11. His first knowledge that Mr. Welch's relatives in California wished him to act as their agent in securing agricultural lands came in the shape of a letter received by him from Lent & Humphrey, the San Francisco attorneys, on November 6, 1909.

No reply was made to this letter until December 30, 1909, on which date it was answered by Mr. Bruce, Poole's Manila attorney.

Mr. Poole did not bring this letter of November 6 with him or one single scrap of documentary evidence of any character whatsoever. After having admitted in various ways that he came from the Philippines without any documentary evidence, this matter was definitely summed up as follows:

Mr. MARTIN of Colorado. You virtually, then, came all this long distance to appear before this committee empty handed, so far as correspondence and documents are concerned.
Mr. POOLE. I did not know that I was to appear before the committee. The cable simply said presence desired in Washington or in New York, I do not remember which.

To return now to the testimony going to show that, notwithstanding Mr. Welch's repeated assertions of lack of knowledge of the affairs of the California companies and Mr. Welch's connection therewith, attention is again called to the fact that on December 30, 1909, which was the very day on which Attorney Bruce, by letter, answered the letter of Lent & Humphrey of November 6, Mr. Poole received from Mr. Welch the cable already mentioned:

California Colonia Co., whose charters you now have, should acquire public land between San Jose and Mangarin, factory company getting right of way from them.

Upon receipt of this cablegram, Mr. Poole immediately began the survey of the railroad from the San Jose estate to the harbor. As nearly as he could fix the time, it was the first week in January, 1909. At that time he had not filed the land applications of the California companies; in fact, did not file their applications until February 2. He had not received any authority from the Philippine Government to run a railway across the public lands, which was the character of lands acquired by the California companies. He had not received any authority from the California parties, because his attorney had only just started on its journey across the Pacific an answer to the only letter that he—Poole—had ever received from them, the character of which letter is, of course, wholly unknown. The only authority he had received from any source whatever was Mr. Welch's cablegram of December 30, concerning which the following colloquy appears in the hearings:

Mr. MARTIN of Colorado. You proceeded in the first week in January, under authority of Mr. Welch's cablegram of December 30, to survey your right of way?
Mr. POOLE. No, sir; I did not. You mean to start in operations on a small scale?
Mr. MARTIN of Colorado. Yes.
Mr. POOLE. I did. Of course, that was very general. I started the right of way, the survey, several different rights of way, etc.

Mr. Welch's evasiveness with reference to the California companies is still further understandable in the light of the provision in section 75 of the act of Congress that—

It shall be unlawful for any member of a corporation engaged in agriculture or mining, or for any corporation organized for any purpose, except irrigation, to be in any wise interested in any other corporation engaged in agriculture or in mining.

Mr. Welch did not want to appear to be in any wise interested in the California companies, and yet it is established beyond question that his managing agent in the San Jose estate was likewise his managing agent in the affairs of the three California companies, which are the properties of his immediate relatives and their employees. It is probably fair to Mr. Welch to say that he did not have anything like a detailed arrangement or understanding with his wife, his brother, and his brother-in-law about their Philippine enterprise and Mr. Poole's relations therewith. It was Mr. Welch's affair as much as theirs, and he knew that he had a free hand. If there has not been clearly established such an interrelation and community of interest between these parties and concerns as to bring them within the inhibition of section 75, then it would be impossible to devise a provision of law which would prevent a member of one corporation from being in any wise interested in any other corporation. The language of the statute is the simplest and the most sweeping that could have been devised.

A SUMMING UP.

The law provided that the agricultural lands of the Philippine Islands should be disposed of only to citizens of the islands. It provided that not more than 16 hectares should go to an individual and not more than 1,024 hectares should go to a corporation or association of persons. It provided that agricultural corporations should be limited by their charters to 1,024 hectares. It made it unlawful for any member of a corporation engaged in agriculture or mining and for any corporation organized for any purpose except irrigation to be in anywise interested in any other corporation engaged in agriculture or in mining.

And yet, in the face of these stringent, sweeping, and seemingly unassailable safeguards, we have a sale of a 56,000-acre tract of Government lands to an association of persons not citizens of the Philippine Islands. We have as the very heart and life force of these lands an American corporation owned

and controlled by this association of persons. We have three other American corporations controlled by the family of the head of the other corporation, owning in the aggregate 7,000 acres of public land, tying this estate to the water front with the railroad of the larger corporation running through the lands of the smaller corporations to a wharfage upon which the larger corporation has a 99-year lease, and we have the same managing agent for all these concerns.

We have therefore a condition which it was the obvious purpose, intent, and policy of Congress to prevent, a large community interest which could not be more essentially unified to all practical intents and purposes were there no restrictions whatever in the law, and this with the acquiescence of the officials of the Philippine Government.

SECTION 75 NOT COMPLIED WITH.

An interesting side light is thrown upon the attitude of the insular officials by its dealings with Mr. Poole for the three California companies. On February 2, 1910, Mr. Poole simultaneously filed the applications of the three California companies for nearly the maximum quantity of land allowed by law to each corporation. Stress has been laid by the Philippine officials upon the statement appearing on the face of each application that neither the corporation nor any "member has ever purchased any land or acquired interest therein under said law." This is depended upon by the officials to insure against the violation of the provisions of section 75. It could be absolutely true that neither the applying corporation nor any member thereof had ever purchased any land or acquired interest therein under said law and still not satisfy the requirements of the law. In the first place, this is not a statement that no member of a particular corporation "is in anywise interested" in any other agricultural corporation. In the next place, these applications being filed simultaneously and no land therefore having as yet been purchased or interest acquired, the same individuals might file for a hundred corporations simultaneously, and, while still being within the truth in each application, would be preparing to acquire a multiplicity of interests. I advance these propositions merely for the purpose of showing the insufficiency of the applications, which are in a large measure relied upon by Secretary Worcester and Capt. Sleeper to compensate for their failure to secure the evidence which it will now be shown was called for by them, and demanding full compliance with the law.

It appears that on May 4, 1910, Capt. Sleeper advised the Secretary of the Interior of the applications of the California companies, each of Capt. Sleeper's three letters ending as follows:

> Attention is invited to the fact that this land adjoins tract applied for by the other companies, and that Mr. E. L. Poole is agent for the three companies.

Mr. Worcester being then absent, Acting Secretary Thomas C. Welch on May 9 replied, stating:

> As it does not appear from the papers that the stockholders in one of these companies are not stockholders in another, I would suggest that you request the agent to furnish us with the necessary information on this subject, which may be in the form of an affidavit by some officer of the company having knowledge as to who are the stockholders. The papers will be held pending receipt of such information.

In this letter Mr. Welch also called attention to the requirements of section 75 of the act of Congress.

Thereupon Director Sleeper wired Attorney Bruce at Manila as follows:

> Sales applications held up pending receipt of evidence that stockholders in any one of the corporations are in no way interested in any other corporation. (Sec. 75, act of Congress, July 1, 1902.)

To which Mr. Bruce, on May 10, replied, stating that the articles of incorporation—

> show that there are no common stockholders and incorporators among them—

But stating that—

> I shall at once cable to our correspondents in the United States for the affidavits.

Mr. Bruce asked permission to proceed pending the receipt of the affidavits.

Acting Secretary Welch, on May 13, 1910, authorized the Director of Lands to proceed—

> It being understood, however, that the applicants are to furnish corroborative proof of the statements in said (Bruce's) letter before such sale be finally consummated.

The director of lands on May 16, 1910, sent Mr. Bruce a copy of the Acting Secretary's letter.

Mr. Bruce on May 18 wrote Capt. Sleeper:

> I have already written to the United States and requested our correspondents to forward at once affidavits showing the stockholders of the various companies.

It may be said here that these affidavits were never secured, but after my demand affidavits were sent on to Washington by Lent & Humphrey, the San Francisco attorneys, on December 29, 1910, and were inserted in the hearings on January 12, 1911.

The next thing appearing in the record about this matter is a letter from the director of lands to Mr. Bruce asking him for the affidavit of Mr. Poole, "that he is not a stockholder in any one of the three companies," and so forth, which affidavit was executed by Mr. Poole on June 4, 1910.

Mr. Worcester stated that he did not think Mr. Bruce sent to the United States for the affidavits, although later he stated that Capt. Sleeper thought Mr. Bruce had sent for them "in spite of the fact that he was not required to do so."

Mr. Worcester later cited as an instance of his care in enforcing the law his action with reference to the three California companies, saying:

> The question of the propriety of my action was raised, but the information which I requested was furnished. In point of fact, the information was furnished without much demurrer.

It will be borne in mind, of course, that it was not furnished at all.

Again, Mr. Worcester stated with reference to Mr. Bruce's action about the affidavits, "whether they were demanded of him or not, he very kindly wrote for them."

On the same page, Mr. Worcester stated that he considered the affidavits were unnecessary, basing his answer upon the contents of the application.

Mr. Worcester said:

> I should say that a good deal more than was called for by the law has been furnished.

All of which goes to show clearly the laxity with which the law is interpreted and enforced. There is no escape from the facts established by the testimony that, after calling for affidavits specifically showing that the stockholders in any one company were not stockholders in any other company, the applications of the corporations were approved without the production of the evidence called for, although casual examination of the record and the various statements made by Mr. Worcester, and particularly his statement at page 537, would give the impression that the law had been fully complied with. Considering the whole character of the testimony and of the transactions with which we are dealing, it may be said that the affidavits which were sent on to Washington on my demand, in so far as they are worth anything, detract from rather than add to the showing made to the insular officials. If the parties in interest are willing to rest on this showing, then in the light of the whole testimony I invoke the presumption that a complete statement of the facts would show these companies to be the properties of the Welch family, if indeed it can be said that there is anything now lacking in the testimony to establish that fact; and if the present scope of the operations of the Welch family in the island of Mindoro is within the law, then there is no reason why the scope of their operations may not be indefinitely extended to embrace the entire island, or so far as Welches hold out. Being quite wealthy, when they run out of Welches, they could accumulate quite a bit of land through the medium of their many lawyers and employees and in this way the entire island of Mindoro could be benevolently assimilated, and all the blessings of sugar plantation peonage, the truck store, the scrip system, the company bull pen, church, schoolhouse, parks, places of amusement, and so forth, all amply provided for in the charter of the Mindoro Development Co.; could be brought home to the primitive inhabitants thereof.

LAW SHAMEFULLY EVADED.

The testimony give by the insular officials and by Messrs. Welch and Poole is absolutely convincing as to the indifference of these officials to the carefully drawn safeguards of the land provisions of the organic law of the Philippines. It is established beyond dispute, and even more fully than my quotations from the hearings relative to the San Jose estate, the Mindoro Development Co., and the three California companies, that these officials, in their anxiety to dispose of these lands, never gave a thought to the fact that they were creating a condition which, had it been submitted to the precedent sanction of Congress, would not have received even the recognition or courtesy of consideration. The most pronounced advocate of exploitation can not take the position that the Congress, which had refused to increase the limit of land holdings to 10,000 acres or to any other quantity above 2,500 acres, would have sanctioned the sale of 56,000 acres, as was done in the case of the San Jose estate, and of 49,000 acres, as was attempted to be done in the case of the Isabela estate, and of 15,000 acres, as was attempted to be done in the case of the Calamba estate.

Indeed, the disclosures with reference to the foregoing transactions richly merit the following observation in the minority report of the Committee on Insular Affairs:

> Considering these astounding facts, it is difficult to escape the conclusion that the land laws of the Philippines are being evaded in the most shameless manner, even if we can be mistaken in our construction of those laws.

THE TALA ESTATE.

But it was in the case of the Tala estate above all others in which the insular officials displayed a total lack of appreciation of the character of the trust devolving upon them in the administration of the lands of the Philippines; and it is much more properly a trust than the administrative duties devolving upon the Interior Department of the United States with respect to the public lands of this country, for the Filipinos are, in a sense, the wards of this country, and until it is finally determined whether they are to remain forever a part of the household of the trustee or are to be emancipated and set up independently in business for themselves, it is the rule of law and of equity and of morals that their estate should be preserved from spoliation and administered and conserved as nearly as possible in accord with the terms, conditions, and objects of the trust.

The Tala estate consists of about 17,000 acres of land, situated within 7 miles of the boundaries of the city of Manila. Owing largely to the difficulties then involving all of these estates, only about 20 per cent of the Tala estate was occupied by tenants at the time the friar lands were taken over by the Philippine Government. Instead of offering this estate for lease or sale to the natives after it had been surveyed and all the steps preliminary to such disposition had been taken, the director of public lands, with the approval of the secretary of the interior, executed an agreement to lease, with purchase option, to the executive secretary of the Philippine Government, for all of the unoccupied land on the estate, and also for all of the occupied land in case the tenants failed or refused to buy their holdings. As this agreement was the most extraordinary instrument of this character of which I have ever heard, I shall summarize for you its more striking features.

THE AGREEMENT EXTRAORDINARY.

Paragraph 1 relieved the lessee from paying any rent for land which did not return him a net profit of ₱20 per hectare ($4 per acre).

Paragraph 2 provided that in cases of applications for leases filed by others—and these others, of course, would be natives—he, the executive secretary, would be notified and given the first right to lease the land out from under the native applicant.

Paragraph 3 gave the executive secretary the preference right to lease abandoned lands.

Paragraph 4 required cultivation of a certain acreage per annum, with no penalty for failure to cultivate, and this paragraph was so conditioned that uncultivable lands upon the estate could be set off against the area required to be cultivated, which provision, by reason of the fact that the bad land on the estate exceeded the annual quantity required to be cultivated, relieved the lessee from all cultivation. This extraordinary construction and effect of the provision was made clear by the testimony of the director of lands.

Paragraph 5 contained the significant provision that the Government would sell these leased lands to the executive secretary whenever the Philippine Legislature should so amend the friar-land act as to permit of their sale. The agreement was executed on April 20, 1908, and the desired law was passed June 3, 1908, just six weeks thereafter.

Paragraph 10 contained the extraordinary provision that the director of public lands would use his official influence to obtain adequate police protection and Government aid in the construction of highways and bridges on and to the lands of the estate.

AGREEMENT UNIQUE—COMPLIED WITH.

It was admitted that no other land agreement executed by the director of lands contained any such extraordinary, not to say unheard of, conditions as those above recited. Pursuant to the provision in paragraph 10, the Government had begun the improvement of the road from Manila to the estate by macadamizing 1 mile of it and repairing other parts of it. The Government had also put in one concrete steel reenforced bridge at a cost of $10,000 gold or more; another such bridge with a 10 or 12 foot waterway under it, and about 15 such culverts. In other words, at the time of the investigation the Government had probably expended some $25,000 in gold to improve the road to the estate. Why such improvements could not have been put in for native owners and why native owners should not have been furnished the police patrol said by the insular officials to have been needed in the locality does not seem to have occurred to the officials at all. These conveniences and safeguards appear to have become necessary only under an agreement to lease and sell the land to one of the superior officials of the insular government. It further appeared that the executive secretary had upon his leased lands some eighty-odd subtenants and 15 or 20 employees—a colony, therefore, of a hundred or more able-bodied natives.

A more complete perversion of the declared purpose in taking these lands away from their former owners could not well be imagined. An interesting and somewhat significant development, however, of the attack on this transaction was the practical unanimity with which the Filipino people rose in behalf of the executive secretary. He is not only exceedingly popular with the Filipinos, but would appear to have practically a monopoly of that distinction among the heads of the insular government. Mr. Carpenter, it appears, has labored earnestly for the welfare of the Filipino people and has treated them fairly and considerately, and they all, without regard to the issue involved, came to his personal defense, the Philippine Assembly even going to the extent of adopting resolutions expressive of their regard and concern for Mr. Carpenter. The incident presented a rather peculiar commentary upon the status of colonial officials and was in marked contrast to the treatment accorded the secretary of the interior in a somewhat similar, but much less important case.

It appears that a nephew of the secretary of the interior had leased a tract of 2,500 acres of public lands, and this, because of the hostile attitude of the Filipinos toward the secretary, caused the matter to be published and treated as a crime, as the result of which publication every person connected with the newspaper and including a member of the Philippine Assembly, was criminally prosecuted and sentenced to prison and mulcted in heavy damages besides.

I may say that Mr. Carpenter impressed me very favorably, and I could well understand the regard expressed by the Filipinos for him. Such a transaction, known to and approved by the heads of the Philippine Government, would be impossible in the United States. Such a transaction in the United States would destroy the administration connected with it. A somewhat different standard appears to prevail in the Philippines. Land is plenty and development scarce. Mr. Carpenter proposed to make his estate an object lesson and a sort of agricultural school. He impresses one as being in absolute good faith, and I am glad to say that I can not feel that Mr. Carpenter considered himself as engaged in other than a laudable enterprise, which was to be beneficial to the countryside.

It should, however, require no argument to demonstrate the error of the transaction. If Mr. Carpenter could purchase the Tala estate he could purchase all of the friar estates. And hard though officials have strained to reason themselves into the right in their dealings with the friar lands, they are brought up short when confronted with the question whether they would sell all of these estates to one of their own number, or, indeed, to any other one person. They would sell one estate to one official, or they would sell one tract of 56,000 acres to one individual representing both an association and a corporation. But here they would seek to draw a line which can not be legally drawn. This is not a question of limitations to be made by officials to suit each individual case, but of limitations fixed by law to govern all cases. This is the real proposition the insular officials are up against. In all of these larger transactions the leases differ in their provisions, but all of the leases and nearly all of their provisions were without warrant of law. I have never at any time said that the present limitations in the Philippine land laws are the best for the development of the country. I have said that the limitations are there; that they are clear and specific; and that they should be observed until changed by Congress and not evaded and winked out of existence by administrative officers.

OTHER PRACTICES OF QUESTIONABLE POLICY.

No matter how well meaning and how free from personal or official dishonesty such transactions might be at the inception, it is just as certain as life and human nature that eventually they would result result in undesirable, not to say corrupt, conditions. Many instances developed at the hearings indicating that an overhauling of the land administration in the Philippines did not occur any too soon. Government officials and employees are permitted to purchase and lease both public and friar lands. They are permitted to locate and patent mining claims. All of the foregoing include officials and employees of the land bureau itself. It appears that the assistant director of public lands had on file an application for the lease of 2,500 acres of public lands. The application secured to him the right to the use and occupancy of the land and that without rent until such time as the lease should issue. These lands, as in the case of the lease to the nephew of the Secretary of the Interior, are leased for 50 years, the maximum allowed by law, and at the minimum rental allowed by law, which is as low as 20 cents per acre per annum. The testimony showed that among the lessees of public lands were a number of corporations organized and controlled by officials of the Philippine government, including the heads of bureaus, the legal advisers of the insular government, and, as I have said, even the heads of the

land bureau itself. Such a policy is absolutely certain to produce intolerable conditions, and should be done away with by law. All Government officials and employees should be prohibited from acquiring public lands and resources during their connection with the Government.

It seems incredible that officials of intelligence and experience could countenance the practices disclosed in connection with the administration of lands in the Philippines and hope to escape the legitimate consequences. Imagine for one moment the chief of a division in the General Land Office at Washington or the register or receiver of a local land office acquiring 2,500 acres of public domain or organizing and heading a corporation to acquire and develop such land. Indeed, such a thing could not be even imagined in this country, and it should not be permitted in the other.

On the whole, I believe firmly that the result of the investigation into the administration of lands in the Philippines will ultimately result in great benefits. It will stop in their incipiency some errors of practice. It will serve to clear away some misunderstandings. It will serve to bring greater care and system into the administration of lands. It will serve, in a word, to lock the barn before, not after, the stealing of the horse. I feel, therefore, that the investigation which, as one of its results, produced the pending legislation was of good and lasting service, both to this country and the country of which it is the legal guardian.

Instead, therefore, of entertaining the slightest concern over the displeasure of those who were inconvenienced by it, I shall always feel a rewarding satisfaction that I took up, brought about, and pressed the investigation to a conclusion, with the manifest good results accomplished.

PROTEST OF ANTI-IMPERIALIST LEAGUE.

I shall conclude with the resolutions of protest against further sales of the friar lands adopted and sent out for presentation to the House by the executive committee of the Anti-Imperialist League, an organization numbering among its membership many of the leaders of thought in this country, and particularly in New England, these resolutions having been evoked by the stated intention of the President to order the resumption of friar land sales. The resolutions recite the recommendations made in all of the four reports of the friar land investigation in favor of further legislation touching these lands, and I commend them to the consideration of Members:

BOSTON, *December 30, 1911.*

To the President of the United States:

The undersigned, in pursuance of a resolution adopted by the executive committee of the Anti-Imperialist League, invite your attention to the following facts:

The sale of the lands in the Philippine Islands which are known as the friar lands was made the subject of an investigation by the Committee on Insular Affairs, under a resolution passed by the House of Representatives on the 25th day of June, 1910, and their report was made on the last day of the Sixty-first Congress. Though the conclusions of the members were stated in four different reports, one signed by nine members of the committee, one signed by three members of the committee, one signed by a single member of the committee, and the fourth signed by five members of the committee, the whole committee without regard to party affiliations concluded that further legislation by Congress was necessary in regard to the sale of these lands.

Thus the report signed by Mr. OLMSTED and Mr. CRUMPACKER and seven others concluded with the phrase: "The advisability of enacting reasonable limitations respecting the quantity of friar lands that may hereafter be acquired, either by individuals or corporations, is respectfully commended to the consideration of Congress."

Mr. RUCKER, regarding it as a doubtful question whether the sales already made of friar lands were legal, recommended that a test suit should be brought for the purpose of having that question determined by a judgment of a court.

The report signed by Messrs. HUBBARD, DAVIS, and Madison concluded: "We join most heartily in commending to Congress consideration of the question of placing a reasonable limitation upon the quantity of friar lands that may be acquired by an individual, and we indulge the hope that until Congress has had an opportunity to act no further sales shall be made of such lands in large tracts." The fourth report, signed by Mr. JONES and four others, reached the conclusion that the sales already made were in violation of the law, and that if any change was to be made in the law Congress alone could make it. The reports also disclosed that the policy of the law in regard to the exploitation of the Philippines had been disregarded and its requirements, in some cases at least, evaded.

In view of these reports all further sales of the friar lands were suspended by the Secretary of War, Mr. Dickinson, pending the action of Congress.

Although the Sixty-second Congress did not undertake during the extra session to deal with any but tariff questions and questions of necessary appropriation, and is just beginning a session which will be devoted to general legislation, we observe by your message sent to Congress on the 21st of December, 1911, that you propose to direct the Secretary of War to continue the sales of the friar lands.

The executive committee earnestly hopes that this intention will not be carried out, and that while there is not only a substantial doubt as to the power of the insular government to sell the friar lands in such large tracts as have already been sold, there is also the serious question whether, if the law does authorize such sales, it should not be amended so as to prevent any sales of these lands in quantities exceeding the amounts specified in section 15 of the organic act approved July 1, 1902. These questions involve considerations of public policy far more important to the Filipino people and to the people of the United States than any amount of money which can be realized from the sale, and while these questions are unsettled the continuance of sales by Executive order without action by Congress will not only embarrass Congress and discourage the Filipinos, who are opposed to the sale of their most fertile lands in large tracts to nonresident exploiters, but will also leave a cloud upon the titles of purchasers that may embarrass them in the future.

In the opinion of many good lawyers the purchasers of the lands already sold have not acquired a title to the lands which they have purchased, and important questions of policy are raised in the reports of the Insular Committee which only Congress can settle.

We earnestly protest, therefore, against any further sales of the lands in question, both because such sales tend to foreclose a question that is now under consideration by Congress and because the sales, in our judgment, tend to postpone the independence of the Philippine Islands and to embarrass the relations between those islands and the United States by creating interests adverse to the interest of the Filipino people.

MOORFIELD STOREY, *President.*
ERVING WINSLOW, *Secretary.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1524. An act to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County or in Wabaunsee County, in the State of Kansas; and

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1590. An act providing for an increase of salary for the United States district attorney for the eastern district of Louisiana;

S. 1792. An act for the relief of Adam D. Shriner;

S. 3645. An act to amend the law providing for the payment of the death gratuity, as applicable to the Navy and Marine Corps;

S. 3749. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 4341. An act for the relief of Nathan McDaneld;

S. 4461. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

S. 4580. An act to authorize the allowance of second homestead and desert entries;

S. 4679. An act to amend section 95 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5254. An act to provide for compulsory education of the children of Alaska, and for other purposes;

S. 5350. An act authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation in the State of Washington, and for other purposes;

S. 5629. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905;

S. 5674. An act for the relief of Indians occupying railroad lands;

S. 5676. An act authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma;

S. 5990. An act to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway of Washington along certain streets in the city of Washington, and for other purposes;

S. 6156. An act to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia;

S. 6219. An act providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens owning such improvements;

S. 6412. An act to regulate radiocommunication; and

S. 5382. An act to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated.

S. 5382. An act to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

S. 1590. An act providing for an increase of salary for the United States district attorney for the eastern district of Louisiana; to the Committee on the Judiciary.

S. 1792. An act for the relief of Adam D. Shriner; to the Committee on Military Affairs.

S. 3645. An act to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps; to the Committee on Naval Affairs.

S. 3749. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 4341. An act for the relief of Nathan McDaneld; to the Committee on Military Affairs.

S. 4461. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency; to the Committee on the Judiciary.

S. 4580. An act to authorize the allowance of second homestead and desert entries; to the Committee on the Public Lands.

S. 4679. An act to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

S. 5254. An act to provide for compulsory education of the children of Alaska, and for other purposes; to the Committee on the Territories.

S. 5350. An act authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

S. 5629. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905; to the Committee on the Territories.

S. 5674. An act for the relief of Indians occupying railroad lands; to the Committee on Indian Affairs.

S. 5676. An act authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma; to the Committee on Indian Affairs.

S. 5990. An act to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway, of Washington, along certain streets in the city of Washington, and for other purposes; to the Committee on the District of Columbia.

S. 6156. An act to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia; to the Committee on the District of Columbia.

S. 6219. An act providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens owning such improvements; to the Committee on Indian Affairs.

S. 6412. An act to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 312. House joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1524. An act to authorize the construction and maintenance of a dam across the Kansas River in western Shawnee County, or in Wabaunsee County, in the State of Kansas.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, for one week, on account of sickness in his family.

To Mr. ADAMSON, for one week, on account of sickness in his family.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes a point that there is no quorum present.

Mr. JONES. The gentleman withholds that for the present.

Mr. MANN. I withhold it for the present.

Mr. JONES. I want to ask unanimous consent that all gentlemen who have spoken on this bill (H. R. 17756) may be permitted to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks unanimous consent that all gentlemen who have spoken on this bill have leave to extend their remarks in the RECORD.

Mr. MANN. That applies to all gentlemen who have already spoken?

Mr. JONES. Who have already spoken.

The SPEAKER. It applies to gentlemen who have already spoken, and they can extend their remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none.

ADDRESSES ON THE LATE SENATOR RICHARD BRODHEAD, OF PENNSYLVANIA.

Mr. PALMER. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD addresses in connection with the presentation to the Court of Claims of the portrait of Richard Brodhead, a former Member of this House and a former Senator, who was the author of the law which created the Court of Claims.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD certain speeches made on the presentation of the portrait of Hon. Richard Brodhead, of Pennsylvania, to the Court of Claims. Is there objection?

There was no objection.

The following are the addresses referred to:

ADDRESS OF HON. ROBERT E. JAMES, OF EASTON, PA., DELIVERED ON MARCH 6, 1912, IN PRESENTING TO THE COURT OF CLAIMS ON BEHALF OF THE BAR ASSOCIATION OF NORTHAMPTON COUNTY THE PORTRAIT OF THE LATE SENATOR RICHARD BRODHEAD, OF PENNSYLVANIA.

"With permission of the court, I rise to announce that there is in your honors' presence a delegation of the Bar Association of the County of Northampton, State of Pennsylvania, who present themselves to the court and indulge in the hope that your honors will grant them a few moments for the purpose of respectfully tendering to this body a memorial of the gentleman whom they believe was largely, if not almost entirely, instrumental in the constitution of this court.

"Richard Brodhead was born in 1810. His birthplace was in the far northeastern section of Pennsylvania. There, on the banks of the upper Delaware, in one of the most beautiful spots of all that most favored country, began his useful life. Mountain and meadow and river and forest all combined to make his world beautiful. There was the peace and quiet, the beauty of surroundings and simplicity of life, that best school mind and heart for great endeavor, and amid these surroundings, in such a charming location, Richard Brodhead spent the early days of his life. There he received his early education. There was imbued into his very soul those principles of morality and patriotism which made him the man he was in his after days. Later we find him, in 1830, at Easton, in the law office of the Hon. James M. Porter, who a little later became Secretary of War under President Pierce. Shortly after his admission to the bar he was elected to the Legislature of the State of Pennsylvania and served one term. Scarcely had he finished his term when he was sent to the lower House of the National Congress. He remained there from 1841 to 1847. Again an appreciative public called for his ability in the service of the State and he was elected a Member of the United States Senate, representing his native State—a speedy and merited promotion. He was fortunate in living in a period when merit was summoned to place. He had learned in his extended service in the House and in his early experience in the United States Senate that it was necessary for the Congress to try out the vexed questions of claimants against the United States. Those claims were great in number, intricate in character, and most difficult of just adjudication, yet it was a duty incumbent upon the Congress in ordinary session to pass upon the merits and demerits of these claims. Influence was frequently more potent than evidence, and a friendly feeling more effective than uncertain proof. Frequently injustice was done, and in the absence of method and rule the final adjudication was a creature of chance, a resultant of conditions perhaps entirely foreign to the claim and its merits.

"Such were the conditions when Senator Brodhead entered upon his duties.

"At an early period in his senatorial career he was appointed chairman of the Committee on Claims, where this whole matter came to his immediate attention. He immediately conceived the idea that some commission, some court, some judicial body which should ascertain the merits of the contentions of these claimants and determine whether the United States had any legal or moral duty to care for them or their interests should

be created. In consequence, a resolution was offered and a special committee was appointed, of which Senator Brodhead was made chairman, to investigate the subject and make subsequent report to the Senate, which was done. A short time afterwards Mr. Brodhead made his report as chairman of the committee, suggesting the advisability of the constitution of a court, a separate judicial tribunal, surrounded by all the safeguards arising from the methods of established legal procedure and with all the precautions that surround such a tribunal, for the purpose of investigating all claims of this character.

"This recommendation was enacted into a statute and this court, with its long record of usefulness, is the beneficent result of his intelligent judgment and persistent energy. If a life crowded with benefit to his people had no other accomplished result which would justify the approbation of his constituency, this alone would suffice.

"He left his impress on public affairs, and when, in 1857, the turning political tide announced the advent of new doctrines and new men, he ended a notable and honorable public career; and with the content that follows duty well performed he turned to the people who loved him and to the mountains he loved. The clouds that foreboded the storm were then already gathering and soon burst into a tempest of war, and when the strife was at its highest and the end might not yet be forecast, Richard Brodhead was summoned by that other Voice from strife to peace. Then passed an able lawyer, an eloquent pleader, a statesman, and a gentleman.

"And now we, as the representatives of the Northampton bar, for that bar which was honored by his career and dignified by his life, tender to this court this portrait of the Senator as a memorial of a useful life and pray that it may fitly find space amid these scenes of highest usefulness, which his labor aided to make possible."

ADDRESS OF CHIEF JUSTICE STANTON J. PEELLE, OF THE UNITED STATES COURT OF CLAIMS, IN RESPONSE TO THAT OF HON. ROBERT E. JAMES.

"Gentlemen of the Bar Association of Northampton County: The court receives with pleasure and gratitude this portrait of the late Richard Brodhead, a Senator from Pennsylvania in the United States Senate from December, 1851, to March 3, 1857, and the clerk is requested to cause the same to be appropriately hung in the reception room.

"It is altogether fitting that this should be done, since Senator Brodhead, a man of wide experience in both Houses of Congress and with a keen foresight, introduced and had referred to the Committee on Claims, of which he was a member, the bill to establish a commission for the examination and adjustment of private claims against the Government. When the bill was up in the Senate for consideration Senator Hunter, of Virginia, suggested some amendments, and the bill was finally referred to a select committee consisting of Senators Brodhead; Jones, of Tennessee; Hunter, of Virginia; Clayton, of Delaware; and Clay, of Alabama. This committee subsequently reported, through Senator Brodhead, its chairman, a substitute for the bill, which provided for the establishment of a permanent court instead of a commission. The bill so reported met with the approval of the Senate and passed that body without opposition. When the bill was considered in the House some immaterial amendments were made, and it passed that body February 22, 1855, and two days later was signed by the President and became a law.

"The bill originally provided for the appointment of three judges, but subsequently the law was amended providing for a chief justice and four judges, and the court as thus constituted was given jurisdiction to render final judgment, with the right of appeal to the Supreme Court.

"The wisdom of the founders has time and again been demonstrated in the determination by the court of vital questions affecting the honor of the Nation as well as its good faith toward its citizens in the judicial settlement of claims arising under both international and municipal law.

"The court has not only been a relief to Congress from the many burdens which would otherwise have been imposed on it in an ex parte consideration of claims, but has proved a safeguard against the allowance of fraudulent and unjust claims against the Government.

"The members of the bar of Northampton County, Pa., represented by their committee presenting the portrait, are to be commended in their effort to perpetuate the memory of one of their most distinguished members, who had the honor to serve in the Senate with such distinguished men as Clay, Douglas, Seward, Cass, Chase, Hunter, Hale, and others of lesser note, but of great ability, from various States.

"On behalf of the court I desire to express our thanks through the committee to the members of the bar of Northampton County, Pa., for this portrait."

[From the Philadelphia Evening Telegraph, Monday, Mar. 18, 1912.]

BRODHEAD, OF PENNSYLVANIA—FATHER OF COURT OF CLAIMS, BUT HIS FAME SHOULD REST UPON RECORD AS ORIGINAL CONSERVATIONIST.

Briefly calling attention to an almost forgotten page of American history, a press dispatch from this capital announced the other day that certain gentlemen, learned in the law, would take steps to honor the memory of Richard Brodhead, sometimes United States Senator from Pennsylvania, and generally recognized as "Father of the Court of Claims."

Mr. Brodhead was a one-term Senator, a man of few words and a strict constructionist of the most rigid type.

I find no biography of him in the Congressional Library, and Lanman's Dictionary disposes of him in fewer than 40 words, saying: "Brodhead, Richard, was a native of Pike County, Pa.; was a Representative in Congress from 1843 to 1849; a Senator of the United States from 1851 to 1857. Died at Easton, Pa., September 17, 1863."

Ben: Perley Poore sheds little additional light, but does inform us that Mr. Brodhead had no opposition at the polls when he entered Congress.

Richard Brodhead was indeed "Father of the United States Court of Claims," but his fame should not rest on that achievement.

He was one of the original, if not the original, conservationist.

He believed that the western lands should be reserved to actual settlers, and he fought in committee and on the floor the proposition to alienate large tracts to corporations.

He was uncompromisingly opposed to railway land grants, a policy that had much to commend it half a century ago, with millions of acres isolated from market; but a policy so abused that it has brought the entire system of railway subvention into disrepute.

It was while he was in the Senate, December 6, 1854, that Senator Brodhead introduced a bill establishing a commission for the examination and adjustment of private claims. It was a carefully drawn and well prepared bill, and was reported back without amendment by the committee. It was Senator Hunter, of Virginia, who suggested that a court instead of a commission be created, and such a bill was drawn later by a select committee, of which Senator Brodhead was chairman.

The wisdom of such a court is no longer doubted. It would be hard to estimate the burden of work it has taken from the shoulders of Congress.

Indeed, Congress had, in 1854, reached a point when it could no longer do the work. Its hands were tied for lack of time, and this was virtually an abridgement of the right of petition as guaranteed by the first amendment to the Constitution.

The creation of the Court of Claims was indeed a long stride in the direction of broadening the Constitution without changing its text, so that the letter would be at agreement with the spirit.

And it was done by the creation of a court—a fact that some of those who are looking for a "shorter and simpler method of amendment" would do well to bear in mind.

Senator Brodhead was a strong believer in the plain people and in their rights—under the law. His public utterances are fragmentary, but some of them I find to be epigrammatic and philosophical to a degree. In a speech delivered in the United States Senate March 15, 1854, upon the public-land question, he forecasted a condition that has since arisen, and offered as a substitute for the land-grant measure then pending a bill of his own, which looked mainly to the protection of settlers.

The measure before the Senate proposed to grant alternate sections of United States land to the State of Iowa to aid in the construction of railroads, and the Iowa delegation was pushing it to a passage. The frank intention was to give these sections—five miles on either side of the right of way—to railroads to aid in their construction. The arguments were plausible and, in fact, not without logic. As I have said already, it was the abuse of the land-grant system—abuses that there is not space to discuss at the present time—that led to scandals at a later date.

But Brodhead held, with Benton, that the lands belonged to the people, and that they should be permitted to settle upon them without paying a profit to the Government. With the aid of such men as Andrew Johnson, Brodhead gave this theory the first interpretation, which led to a homestead law, which is one of the glories of the Republican Party, and yet Brodhead and Johnson were both Democrats.

In the speech of March 15, already cited, Senator Brodhead said:

"We are here to make general laws for the public good, and the fewer they are in number the better. * * * We can not legislate in regard to particular localities. We can not properly or wisely judge whether a railroad should run east or west or north or south. Some of the old States might want a road to run one way, some another way. * * * Why should we provide for a sale and settlement of the public lands in a particular part of a new State and not another? There is but one rational answer to the question. Every general law will operate injuriously in particular cases, and therefore complaints may seem to be justly made, but it should be remembered that it is much easier to point to defects, to touch blemishes, than to extract them, to demolish an edifice than to erect a convenient substitute."

The "blemishes" are all too apparent at the present time; so, too, is the difficulty of "extracting" them. These conditions have led to the conservation movement, and the conservation movement, like everything else of inherent merit, has attracted the demagogues. What Brodhead predicted has come to pass. He was at agreement with President Andrew Jackson, of whom he was a disciple. Jackson said, in 1832—20 years before the Brodhead speech:

"It can not be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty. It seems to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue."

Again the Senator showed himself to be a true prophet when he forecasted the unrest of Kansas and similar communities that were already revealing a tendency to cry out "Wolf!" when there was no wolf. "I am willing," declared the Keystone statesman, "that the western people should go on prospering and complaining. That great philosopher and statesman, Thomas Jefferson, made a remark that may well be applied to the western people and the Western States:

"'So we have gone on,' declared Jefferson, 'and so we shall go on, puzzled and prospering beyond example, and shall continue to growl, to multiply, and to prosper until we exhibit an association powerful, wise, and happy beyond what has yet been seen by man.'"

ADJOURNMENT.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point that there is no quorum present.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House, in accordance with the order previously adopted, adjourned until Thursday, May 9, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for the subsistence of the sufferers from the Mississippi River (H. Doc. No. 744); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Navy, referring to House resolution 363, asking information concerning contract and payment thereon under "Increase of the Navy," and advising, as soon as the information can be collated, it will be forwarded to the House (H. Doc. No. 745); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting revised estimate of appropriation under title "Salaries, Bureau of Fisheries, Biological Station, Beaufort, N. C." (H. Doc. No. 743); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARTMAN, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6472) to authorize the Secreatry of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass., reported the same without amendment, accompanied by a report (No. 670), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNHART, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C., reported the same without amendment, accompanied by a report (No. 671), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill (H. R. 24194) to create a new division of the western judicial district of Texas and to provide for terms of court at Pecos, Tex., and for a clerk for said court, and for other purposes, reported the same with amendment, accompanied by a report (No. 673), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUCKER of Missouri, from the Committee on the Judiciary, to which was referred the bill (H. R. 23186) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEE of Pennsylvania: A bill (H. R. 24263) to amend section 5 of the act of Congress entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, enacted on the 29th day of June, 1906"; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 24264) to provide for publication by national banking associations and savings banks and trust companies of the reports of resources and liabilities and dividends required to be made by them to the Comptroller of the Currency; to the Committee on Banking and Currency.

By Mr. BUCHANAN: A bill (H. R. 24265) to amend paragraph 2 of an act to amend section 100 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended by the act approved June 8, 1906; to the Committee on the District of Columbia.

By Mr. ROBINSON: A bill (H. R. 24266) to authorize the sale of burnt timber on the public domain; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 24267) to provide for admission to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 24268) to provide for the transfer of criminal insane to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

By Mr. FITZGERALD: A bill (H. R. 24269) to provide for certification, by the attorneys for all parties interested, of true copies of transcripts of record, judgments, decrees, or other papers in cases on appeal from or writ of error to review a judgment or decree of any judge or court of the United States; to the Committee on the Judiciary.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, favoring the election of United States Senators by direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 24270) granting an increase of pension to Charles E. Fitcham; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 24271) granting an increase of pension to Walter Hartpence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24272) granting an increase of pension to Jesse Baumgardner; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 24273) granting an increase of pension to Susan A. Cole; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 24274) for the relief of Rudolph L. Johns; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 24275) granting a pension to Samantha Flynn; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 24276) granting an increase of pension to John M. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24277) granting an increase of pension to Benjamin F. Malott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24278) granting an increase of pension to George D. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24279) granting an increase of pension to Alexander J. C. Wead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24280) granting an increase of pension to Charles Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24281) granting an increase of pension to Maud A. Johnston; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 24282) granting an increase of pension to Morgan Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24283) granting an increase of pension to Francis M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24284) granting an increase of pension to Isaac M. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24285) granting an increase of pension to Louis Ernest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24286) granting an increase of pension to Richard S. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24287) granting an increase of pension to Edwin I. Bachman; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 24288) to correct the military record of James Kane; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 24289) for the relief of the heirs of Hope Brannen; to the Committee on War Claims.

Also, a bill (H. R. 24290) for the relief of the heirs of Bennett Jarrell; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 24291) granting an increase of pension to Franklin Jarrett; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24292) granting a pension to George Brooks; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24293) granting a pension to Peter Gilner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24294) granting an increase of pension to Angeline Wilson; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 24295) granting a pension to John Usner; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 24296) for the relief of Alonzo D. Cadwallader; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 24297) granting a pension to Samuel Blackburn; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 24298) granting an increase of pension to John McGahan; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi (by request): A bill (H. R. 24299) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 24300) granting an increase of pension to James Baxter; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 24301) granting an increase of pension to U. A. Smith; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 24302) granting an increase of pension to Clay W. Evans; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 24303) granting an increase of pension to James A. Underhill; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24304) granting a pension to Myrtle Webster; to the Committee on Pensions.

Also, a bill (H. R. 24305) granting an increase of pension to John M. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24306) granting an increase of pension to Levi M. Hall; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 24307) granting a pension to Maria A. Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24308) granting an increase of pension to James A. Adcock; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24309) granting a pension to Harriet J. McNeil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24310) granting an increase of pension to John H. Gilbert; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 24311) granting an increase of pension to Elizabeth Weems; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 24312) granting an increase of pension to William Riehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24313) granting an increase of pension to William Custard; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 24314) granting an increase of pension to Henry C. Mears; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24315) granting a pension to William M. Faidley; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 24316) granting an increase of pension to William Brassfield; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 24317) for the relief of Jabez Lumbert; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 24318) granting an increase of pension to Edmund O. Beers; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 24319) granting an increase of pension to Almond B. West; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Congregation Amhr Liebovitch, Chicago, Ill., protesting against passage of the Dillingham bill (S. 3175) and Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

Also, resolution of the United Hebrew Trades of New York, B'nei Ephraim Lodge, No. 172, and Congregation Shalel Shalen, both of Chicago, Ill., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Resolutions of the United Polish Societies of Brooklyn, and United Hebrew Trades of New York City, and City Council and citizens of Johnstown, N. Y., against passage of Senate bill 3175 and House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of Carlton S. Winslow and 104 other citizens of Harrison County, Mo., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Daniel Coffman and 20 other citizens of Newark, Ohio, against passage of interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Thread Agency, of Cincinnati, Ohio, favoring passage of House bill 309, for an appropriation for Mississippi River levees in the cotton section; to the Committee on Rivers and Harbors.

By Mr. AYRES: Petition of the United Hebrew Trades of New York, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. BERGER: Resolutions of societies in the Socialist Party in the States of New York, New Jersey, Connecticut, and Washington, against passage of the Dillingham bill, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Yarn Agency, Philadelphia, Pa., favoring appropriation for the levees on the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Allied Committee of the Political Refugee Defense League of America, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Wilkes-Barre Chamber of Commerce, Wilkes-Barre, Pa., favoring bill providing buildings appropriate for embassies, etc.; to the Committee on the Public Lands.

Also, resolutions of allied committees, Political Refugees' Defense League, and United Hebrew Trades of New York, against passage of Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Central Labor Union of Wilkes-Barre and citizens of Pennsylvania, favoring passage of House bill 22339, against use of the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Laidlaw-Dunn-Gordon Co., Cincinnati, Ohio, protesting against prohibiting vessels interested in railroads from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hazzard Drug Store, New York City, favoring passage of House bill 22766, to prohibit use of trading coupons; to the Committee on Ways and Means.

Also, petition of the South Side Board of Trade, New York, N. Y., favoring the suspension of tariff on potatoes; to the Committee on Ways and Means.

Also, petition of Chester H. Hoffman, protesting against passage of House bills 23192 and 23193, for preventing the manufacturer from fixing and enforcing retail prices of his patented goods; to the Committee on Patents.

Also, petition of the Rochester Chamber of Commerce, favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petitions of the Polish National Alliance and the United Polish Societies, of Brooklyn, N. Y.; the allied committees, Political Refugees' Defense League; the Independent Order B'rith Abraham, Moses Lodge, No. 180; and the United Hebrew Trades, of New York, all protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Petition of Hebrew Progressive Lodge, No. 177; Pride of New England Lodge, No. 305; and Lazarus Davis Lodge, No. 548, Independent Order B'rith Abraham, of Boston, Mass., all protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the United Commercial Travelers of America, protesting against the removal of assay office at Seattle, Wash.; to the Committee on Appropriations.

Also, petition of cotton buyers and brokers, protesting against the passage of the Covington amendment for prohibiting vessels interested in by railroads from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DENVER: Papers to accompany House bills 6439, 15502, 11910, 19001, 11927, 13169, 18180, 18811, 17616, 14995, 15837, 17621, and 6436; to the Committee on Invalid Pensions.

Also, papers to accompany House bills 11907 and 13171; to the Committee on Pensions.

By Mr. DAUGHERTY: Petition of citizens of Cassville, Mo., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MICHAEL E. DRISCOLL: Resolution of the United Hebrew Trades of New York, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of Local No. 1345, United Brotherhood of Carpenters and Joiners of America, Buffalo, N. Y., against the stop watch for Government employees; to the Committee on the Judiciary.

Also, resolutions of the allied committee of the Political Refugee Defense League of America and United Hebrew Trades of New York, against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of Local No. 41, International Association of Machinists, St. Louis, Mo., favoring bill prohibiting use of the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the United Hebrew Trades of New York, against passage of the Dillingham bill, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Papers to accompany bill for the relief of David P. Little; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Rebecca Miller; to the Committee on Invalid Pensions.

By Mr. FRANCIS: Petition of citizens of Ohio, against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Neffs and citizens of Belmont County, Ohio, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Allied Printing Trades Council of Chicago, Ill., relating to loose-leaf work for the Government; to the Committee on Printing.

Also, petition of 101 citizens of the United States, passengers on steamship *Blucher*, favoring removal of prohibition upon American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Petitions of Independent Brisk De Litau Lodge, No. 565; Horodenker Lodge, No. 472; Benjamin Harrison Lodge, No. 9; Excelsior Lodge, No. 277; Ascher Lodge, No. 27; Eliohon Lodge, No. 104; and Jurawner Lodge, No. 33, Independent Order B'rith Abraham, of New York, all protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of cotton merchants of New York City, protesting against the Covington amendment for prohibiting vessels that railway corporations are interested in from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Lodge, No. 167, and Kaiser Friederick Lodge, No. 10, Order B'rith Abraham; the allied committees, Political Refugees Defense League; the United Hebrew Trade Union; the Central Federated Union; and the Federation of Bessarabian Organizations, all of New York City, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of General William S. McCaskey Camp, No. 53, United Spanish War Veterans, of Lancaster, Pa., favoring the passage of the Crago bill (H. R. 17470); to the Committee on Pensions.

By Mr. GUERNSEY: Petition of H. I. Mittenthal and 24 others, of Bangor, Me., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Guy C. Porter and 34 others, members of Houlton Grange, favoring passage of House bill 19133 and Senate bill 5474, for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of North Dakota, favoring a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of E. G. Quamme, of North Dakota, against passage of the Lever antifuture trading bill; to the Committee on Agriculture.

Also, petition of citizens of North Dakota, favoring passage of a parcel-post bill, and of citizens of Milnor, N. Dak., against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, favoring passage of an interstate liquor law; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petition of the Independent Order B'rith Sholon, Hartford, Conn., protesting against passage of House bill 22527; to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolutions of Lodge No. 643, Independent Order of B'rith Abram, of Stamford, and of Lodge No. 613, Independent Order of B'rith Abram, of Danbury, Conn., against passage of the Dillingham and Burnett bills, for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petitions of the Board of Trade; Nathan Dohrmann Co.; Coffin, Redington Co.; and D. Ghiradelli, all of San Francisco, Cal., in opposition to the Bartlett bill and all other injunction bills that will legalize boycott; to the Committee on Labor.

Also, petition of Buckingham & Hecht, San Francisco, Cal., in opposition to the passage of the Bartlett bill and all other injunction bills that will legalize boycott; to the Committee on Labor.

By Mr. LINDSAY: Resolutions of David Rockowe Lodge, No. 214, the United Hebrew Trades of New York, the Independent Baron Hirsch Zas Lodge, No. 128, and Pride of the North Lodge, No. 149, of Brooklyn, N. Y., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527) for literacy test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of Rev. John D. Kaplanowski, pastor of St. Anthony Church, and 4 other residents of Auburn, Mo., protesting against the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Kimball Post, No. 38, Grand Army of the Republic, Livermore Falls, Me., favoring passage of the Sherwood bill (H. R. 14070); to the Committee on Invalid Pensions.

Also, petition of citizens of Lisbon Falls, Me., favoring passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. McCOY: Petition of United Polish Societies of Brooklyn, N. Y., protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. MONDELL: Petition of Carpenters' Local Union, No. 1384, of Sheridan, Wyo., indorsing House bill 22339, for prohibiting the use of stop watches in Government workshops; to the Committee on Labor.

By Mr. MOON of Tennessee: Petition of the B'nai Zion Congregation, the Young Men's Hebrew Association, and the Independent Order B'rith Abraham, of Chattanooga, Tenn., all protesting against the passage of the Burnett bill (H. R. 22527); to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the United Hebrew Trades of New York, protesting against the passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Brown & Sharpe Manufacturing Co., of Providence, R. I., against changes in the present patent laws; to the Committee on Patents.

Also, resolution of the United Hebrew Trades of New York, of Baron Hirsch Lodge, No. 99, and of Bicker Cholon Lodge, No. 303, of Providence, R. I., against passage of Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Providence, R. I., favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, timing workman with a stop watch while at work; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of the Medical Society of the State of New York, favoring the establishment at Washington of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Circle, Jewish Community, United Polish Societies, and Allied Committees Political Refugees Defense League, of New York City, N. Y., all protesting against the passage of the Dillingham bill (S. 3175); also, the United Hebrew Trades of New York, protesting against passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, petition of the North Side Board of Trade, New York, relative to improvement of the Bronx Kills, Harlem River, and East River; to the Committee on Rivers and Harbors.

By Mr. PALMER: Resolution of the philanthropic committee of the Philadelphia (Pa.) Yearly Meeting of Friends, favoring adoption of House joint resolution 163; to the Committee on the Judiciary.

Also, petition of citizens of Pike County and Farmersville Grange, No. 328, Northampton County, Pa., favoring passage of House bill 19133, for a postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Resolutions of Gladstone Lodge, No. 241, of Waterbury, and citizens of New Britain, Conn., and United Hebrew Trades of New York, against passage of the Dillingham and Burnett bills, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Waterbury Typographical Union, No. 329, of Waterbury, Conn., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Papers to accompany bill for the relief of Jabez Lumbert, of Sunfield, Mich., a soldier of the Civil War, a private in Company H, One hundredth Regiment Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Resolution of the Polish National Alliance Council at Dorn Polski, against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22557), for literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Theodore A. Bell, favoring the San Francisco Mint appropriation; to the Committee on Appropriations.

Also, petition of Central Federated Union, New York, favoring the passage of the Hughes eight-hour bill; to the Committee on Labor.

Also, petition of United States Grand Lodge, Order B'rith Abraham, No. 466, of New York, protesting against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the committee of wholesale grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Memorial of Mobile Basin and Tennessee River Association, relative to appropriation of $250,000 to deepen the water in channel to Mobile; to the Committee on Rivers and Harbors.

By Mr. TILSON: Petition of the Socialist Party of America, New Haven, Conn., and the Independent Order B'rith Abraham, Columbus Lodge, No. 61, New Haven, Conn., both protesting against the passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of Hope of Rhode Island Lodge, No. 549, Independent Order B'rith Abraham, and the Star of Rhode Island Lodge, No. 330, Order B'rith Abraham, both protesting against literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Papers in the special pension case of Almond B. West; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Goodwin Brown, of New York, representing the State Hospitals Commission of the State of New York, favoring amendments relative to increase in appropriation for Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish National Alliance of New York and American Hebrew Lodge, No. 274, of Brooklyn, N. Y., and Hebrew Trades of New York, against passage of the Senate bill 3175 and House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 9, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

AID TO INDIGENTS IN ALASKA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, which were to strike out all after the enacting clause and insert:

That section 1 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Thirty per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"That at the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States marshals in Alaska one of said equal amounts.

"That each of said marshals is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each marshal, with his quarterly report, shall submit an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance remaining in the hands of any marshal at the end of any quarter shall be returned to the Treasurer of the United States and by him deposited in the said 'Alaska fund,' and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory."

And to amend the title so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

Mr. NELSON. I move that the amendments of the House of Representatives be referred to the Committee on Territories.

The motion was agreed to.

CHESTNUT-TREE BLIGHT (S. DOC. NO. 653).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 30th ultimo, certain information regarding the study and investigation of the so-called chestnut-tree blight, which, with the accompanying papers and illustrations, was referred to the Committee on Agriculture and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 652).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of the trustees of the Methodist Episcopal Church of Louisa, Ky., *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House (H. Con. Res. 46) providing for the printing of 5,000 copies of a wall chart on hookworm and soil pollution for the use of the House of Representatives.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of members of the Church Street Methodist Sunday School, of Selma; of the congregations of the Church Street Methodist Church, of Selma; the Jasper Baptist Church, of Walker County; and the Methodist Episcopal Church of Walker County; of the Aid Society of the Alabama Street Methodist Episcopal Church, of Selma, all in the State of Alabama; and of the Woman's Christian Temperance Union of Springville, Pa., praying the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Philadelphia, Pa., and a memorial of the Central Federated Union, of New York City, N. Y., remonstrating against the adoption of a proposed amendment to the immigration law providing an educational test for all immigrants, which were ordered to lie on the table.

Mr. WETMORE. I present a memorial signed by nine prominent cotton-manufacturing corporations of Rhode Island. The memorial is short, and I ask that it be read and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was read and referred to the Committee on Interoceanic Canals, as follows:

APRIL 22, 1912.

We, the undersigned manufacturers, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of in-